URBAN/MUNICIPAL
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C51P4
1995

AGENDA OF THE
PLANNING AND
DEVELOPMENT
COMMITTEE
AUG. 23, 1995

URBAN/MUNICIPAL
CA4 ON HBL AOS
C51P4
1995

Urban Municipal Collection
2nd Floor
Hamilton Public Library

URBAN MUNICIPAL

NOTICE OF MEETING

AUG 22 1995

PLANNING AND DEVELOPMENT COMMITTEE

GOVERNMENT DOCUMENTS

Wednesday, 1995 August 23rd
9:00 o'clock a.m.
Room 233, City Hall

Susan K. Reeder,
for **Stella Glover, Secretary**
Planning and Development Committee

** Please note earlier start time

AGENDA

9:00 O'CLOCK A.M.

1. **PRIVATE AND CONFIDENTIAL AGENDA**

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

2. Zoning Application 95-17, by Madan Gopal Sharma, owner, for a change in zoning from "C" District to "RT-30" District, modified, for property located at the rear of 914 Upper James Street.

   (a) Submission - Joan Troupe, C1 - 201 Caledon Avenue

3. Request for an Official Plan Amendment and a change in zoning - 121 Augusta Street.

4. City Initiative 95-C, 11 Arthur Avenue South.

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

5. Zoning Application 94-30, 530149 Ontario Limited (Clara IP, In Trust), owner, requesting a modification to the established "H" District regulations, for property located at 366 to 368 King Street West.

   (a) Correspondence - Director of Development, Planning Initiatives Ltd - request to have application deferred

6. **DIRECTOR OF PLANNING AND DEVELOPMENT**

   (a) Proposed Re-Zoning Application 94-19, Starward Homes, perspective owner - lands located between Scenic Drive and Chedmac Drive, west of Rice Avenue, in the Mountview Neighbourhood

      (i) Proposed Official Plan Amendment;
      (ii) Proposed Re-zoning Application ZAC-94-19; and
      (iii) Proposed Draft Plan of Subdivision, SAC-94-02 by Starward Homes, perspective owner.

   (b) Proposed Plan of Subdivision "Nash Acres", SAC-91-01 (Regional File 25T-91002(R)) by the owner Owen Jackson et al., for lands located at the northerly end of Derek Court, south of King Street East.

   (c) Proposed Draft Plan of Condominium by Herman Turkstra "Hereford House" - 13-15 Bold Street.

   (d) Proposed Draft Plan of Condominium by Sachetta Investments Limited - 41-43 Albert Street, Blakeley Neighbourhood (CDM-CONV-95-004)

7. **DELEGATION**

   Hamilton-Halton Home Builders' Association - Rain Water Leader Policy in the City of Hamilton

8. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

   (a) Heritage Funding Programs

   (b) Victoria Hall, 68 King Street East - Request for De-designation

   (c) Dundurn Castle and Cockpit: Phase 2 Restoration - Heritage Permit

   (d) Provincial Funding Commitment to the Lister Block Project

9. **LISTER BLOCK SUB-COMMITTEE**

   Status Update of the Lister Block

10. **CASH-IN-LIEU OF PARKING COMMITTEE**

    Cash in Lieu (95.2.4.2.1.A & 95.4.2.1.A) - 284-286 James Street North **TABLED at previous meeting**

11. **BUILDING COMMISSIONER**

    Barton Street Revitalization

12. **CONSENT AGENDA**

13. **OTHER BUSINESS**

14. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
3.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
4.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
5.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
6.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
7.	ZA-94-11, Ray Gordon Smith 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculated if application is modified
8.	ZAC-94-19 and Draft Plan of Subdivision 25T-94004 - Chedoke Health Corporation	1994 October 5		Tabled at applicant's request to resolve outstanding issues

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: August 8, 1995
ZAC-95-17
Yeoville Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

Mr. J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for a change in Zoning - Rear of 914 Upper James Street.

RECOMMENDATION:

(a) That approval be given to Zoning Application 95-17, Madan Gopal Sharma, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District, modified, to permit development of the subject lands for street townhouses, for the property located at the rear of 914 Upper James Street fronting onto Caledon Avenue, shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District;

(ii) That the "RT-30" (Street-Townhouse) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:

a) That notwithstanding Section 10F. (4)(c), a side yard of a width of not less than 1.2 m shall be provided and maintained along the entire southerly lot line;

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and the subject lands on Zoning District Map W-9 be notated S- ;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9 for presentation to City Council;

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning for lands located at the rear of 914 Upper James Street as shown on the attached map, from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District, modified.

The effect of the by-law is to permit future development of the subject lands for seven (7) street townhouses fronting onto Caledon Avenue. In addition, the By-law provides for the following variance as a special requirement:

- permits a minimum side yard of 1.2 m (4.0 feet) along the entire southerly lot line whereas 2.0 m (6.0 feet) is required.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is requesting a rezoning for the rear of 914 Upper James Street. The purpose of the application is to permit seven (7) street townhouses fronting onto Caledon Avenue. The applicant has submitted a preliminary site plan (see Appendix "B') which shows the site layout.

LOT SIZE AND AREA:

- 45.20 m (148.3 ft.) of lot frontage on Caledon Avenue;
- 43.30 m (142.0 ft.) of lot depth; and,
- 1972.0 m^2 (21,227.0 sq. ft.) of lot area.

APPLICANT:

Madan Gopal Sharma, owner.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north and south	Townhouses	"DE" (Low Density Multiple Dwellings) District, Modified
to the east	Commercial	"HH" (Restricted Community Shopping and Commercial) District
to the west	School	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated ***Residential*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents, and;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents.

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "ATTACHED HOUSING" on the approved Yeoville Neighbourhood Plan. The proposal complies with the intent of the neighbourhood plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:

  - Traffic Department;
  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Building Department has reviewed the application and has forwarded the following comments:

  "1. The number of storeys of the proposed street townhouse has not been indicated.

  2. A two storey street townhouse is required to provide 2.0 m minimum side yards. The southerly side yard is insufficient.

  3. The lands should be severed from the commercial portion fronting on Upper James Street and also it is recommended that a municipal address for Caledon Avenue be assigned."

- The Hamilton-Wentworth Roads Department has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service these lands.

  According to our records the existing road allowance width of Caledon Avenue is 20.12m. Therefore, we do not anticipate any further road allowance widenings at this time.

  We will provide more detailed comments at such time as site plans are submitted for our review and approval."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The subject lands are designated "ATTACHED HOUSING" on the approved Yeoville Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the approved Yeoville Neighbourhood Plan which designates the lands "ATTACHED HOUSING";

   ii) it represents infill within an established residential area; and,

   iii) the proposed "RT-30" District is compatible with the established townhouses along Caledon Avenue.

4. The Building Department has reviewed the site plan submitted (see Appendix "B") with the application and has noted that the following variance is required:

   i) Southerly Side Yard (Section 10F.(4)(c)(ii).

   The applicant has proposed a minimum 1.2 m width for the southerly side yard whereas the by-law requires 2.0 m minimum for a two (2) storey townhouse. Based upon the preliminary floor plans submitted, there are no windows to habitable rooms on the south facing wall. Therefore, the variance is considered to be minor in nature and can be supported.

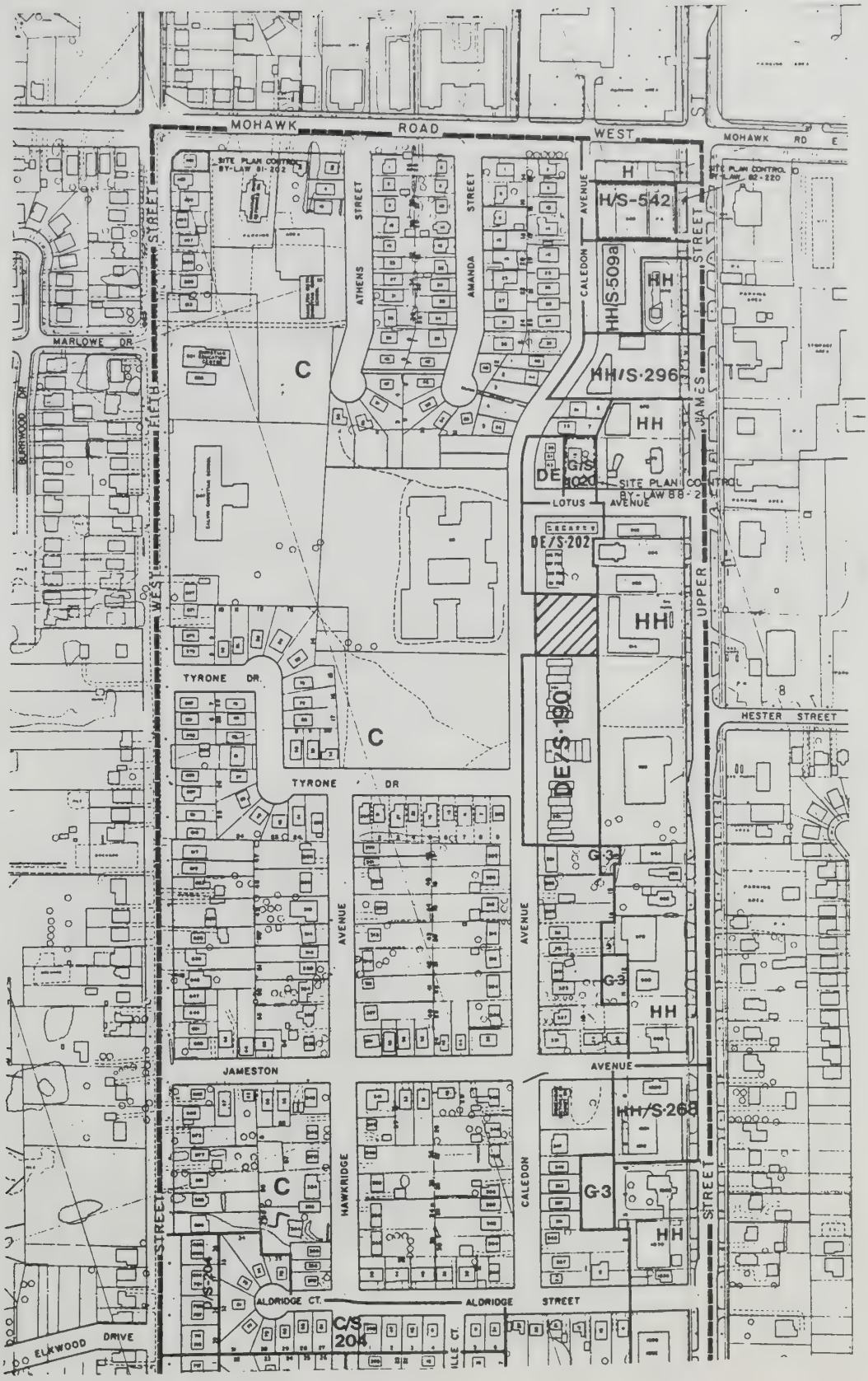
5. It should be noted that the subject lands form the rear part of 914 Upper James Street and the applicant has yet to submit a land severance application to sever the lands.

6. The "RT-30" (Street-Townhouse) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Matters related to road widenings, access, landscaping, grading, fencing, lighting, etc. will be further reviewed at the site plan approval stage of development.

CONCLUSION

Based on the foregoing, the application can be supported.

JL:jl
ZAC9517



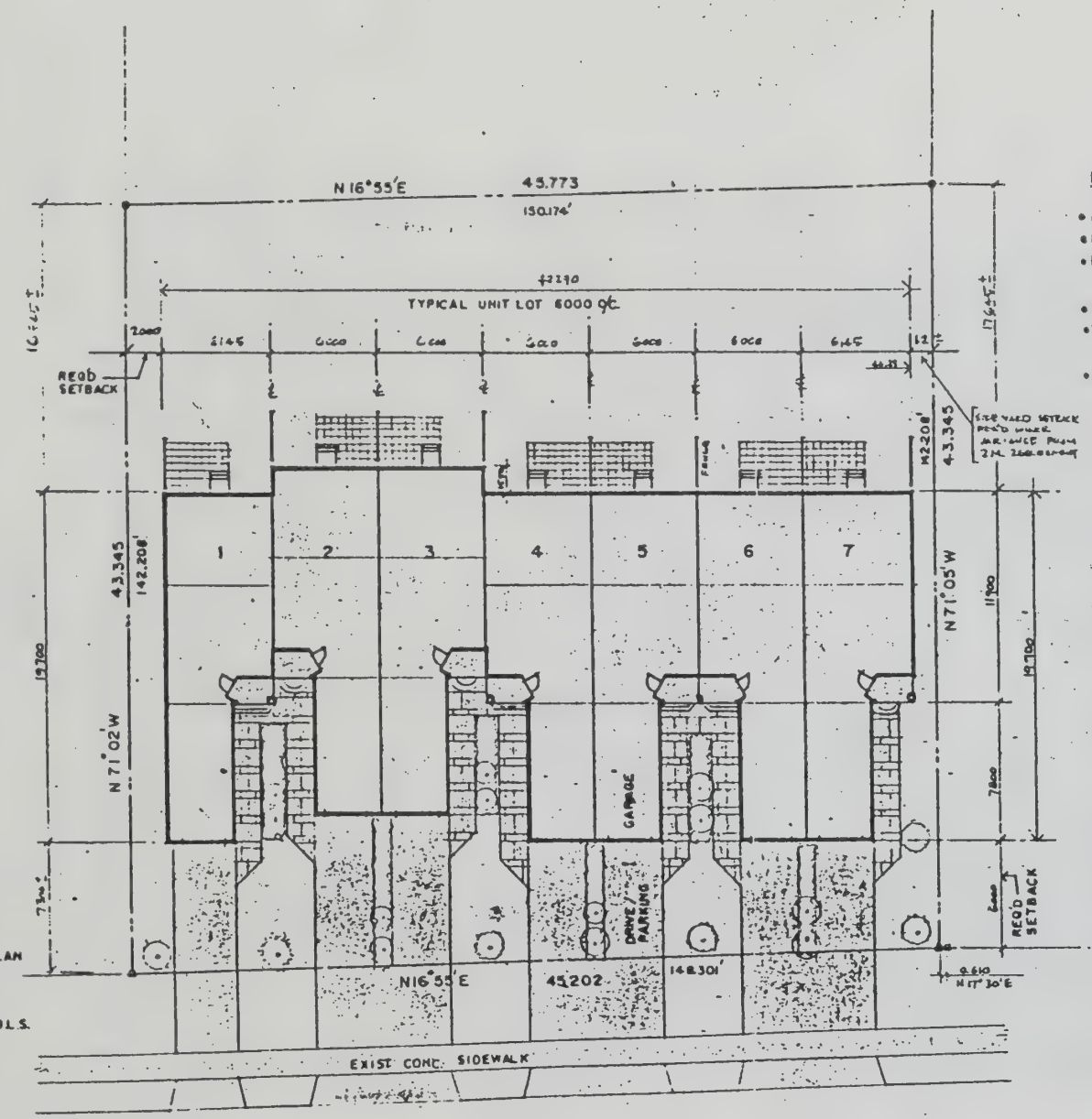
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APPENDIX A

Site of the Application

NORTH

ZAC-95-17



SITE PLAN

SCALE 1:200

CAUTION:

THIS IS NOT AN OFFICIAL SURVEY PLAN OF THE PROPERTY.

EXISTING SITE PLAN INFORMATION TAKEN FROM SURVEY PLAN PREPARED BY LAWRENCE G. WOODS, O.L.S. HAMILTON, ONT. DATED JUNE 22, 1978. (REFERENCE PLAN 62R-4268)

DETAILS OF PROPOSED DEVELOPMENT

- REZONE TO: RT-30 (TOWNHOUSE)
- LAND AREA: 1972 ± m²
- BUILDING COVERAGE: 709.2 ± m²
  PERCENTAGE: 36.0 %
- BUILDING HEIGHT: 7.83 ± (grade/ridge) m.
- LANDSCAPED AREA: 1117.2 ± m² (excl. driveways 143.6 m²)
  PERCENTAGE: 56.6 %
- PARKING PROVIDED: 2 PER UNIT

APPENDIX B

C1-201 Caledon Ave
Hamilton, Ont
L9C 3C9

AUG 15 1995

Secretary.
Planning + Development Comm.
City Hall
71 Main St. W.
Hamilton, Ont L8N 3T4

2.(a.)

Re: FILE # ZAC 95-17
Property at rear of
914 Upper James.

I am a retired employee of Navistar Int'l. Corp. and have lived at the above address for over 15 years.

We do not need any more town houses on Caledon Ave. What is desparately needed, + what many of the neighbours

had hoped for is some kind of recreational facility for the older children who live in the town houses at Caledon and Lotus, and the units at 141, 171 and 201 Caledon.

These children are "bored" + need something to do or someplace to play where they are not being yelled at.

The empty lot would be an ideal location for such a facility.

I would point out that

there is an increasing incidence of vandalism to cars & garden planters etc. in our area and I'm sure it is not adults doing this.

Joan Troupe

(JOAN TROUPE)

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 August 8
ZAC-95-20
Corktown Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for an Official Plan Amendment and a change in zoning - 121 Augusta Street

RECOMMENDATION:

A. That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit general office uses within the existing building, for property municipally known as No. 121 Augusta Street, as shown on the attached map marked as APPENDIX "A", and that the City Solicitor be directed to prepare the By-law of Adoption, in accordance with Section 17(16) of the Planning Act for submission to the Regional Municipality of Hamilton-Wentworth.

B. That approval be given to Zoning Application ZAC-95-20, Community Adolescent Network of Hamilton, owner, requesting a modification to the established "L-mr-2" (Planned Development - Multiple Residential) District regulations, to permit general offices only within the existing building, for property located at No. 121 Augusta Street, as shown on the attached map marked as APPENDIX "A" on the following basis:

i) That the "L-mr-2" (Planned Development - Multiple Residential) District regulations, as contained in Section 17B of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

a) That notwithstanding Section 17B(4) of Zoning By-law No. 6593, the following shall be permitted:

1. general offices, only within the existing building;

2. a ground sign in the front yard of an area of not more than 1.2 square metres and a height of not more than 1.2 m and either non-illuminated or illuminated by non-flashing, indirect, or interior means only;

b) That notwithstanding Section 18A(7), three of the required parking spaces shall have a length of not less than 5.2 m;

c) That Section 18A(9) shall not apply to the required loading space;

d) That Section 18A(11)(b) shall not apply;

e) That notwithstanding Section 18A(12)(c), a visual barrier of not less than 1.0 m in height shall be provided and maintained along the easterly lot line adjoining the parking area.

f) That Section 18A(14) shall not apply;

ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-5 be notated S - ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council; and

iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

C. That the amending Zoning By-law not be forwarded for passage by City Council until such time as:

i) The Ministry of Environment and Energy has advised in writing that the Phase I and II Environmental Audit and the Noise and Vibration Study comply with the Ministry's requirements; and,

ii) The applicant has applied for and received approval of a site plan, registered on title, for the parking area.

EXPLANATORY NOTE:

The purpose of the by-law is to modify the existing "L-mr-2" (Planned Development - Multiple Residential) District regulations, for property located at No. 121 Augusta Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the use of the existing building for general offices. In addition, the By-law establishes the following variances as special requirements:

- a ground sign of not more than 1.2 square metres in area and 1.2 m in height shall be permitted in the front yard and shall be either non-illuminated or illuminated by non-flashing or indirect means only;

- three parking spaces may have a length of not less than 5.2 m whereas a length of 6.0 m is required;

- seven of the required parking spaces are located in the front yard whereas no parking spaces are permitted in the front yard;

- manouvering for the required loading space will be located off-site;

- a portion of the parking area will be located within 3.0 m of the residential district to the east whereas a 12.0 m setback is required;

- a visual barrier of not less than 1.0 m in height shall be provided and maintained along the easterly lot line adjoining the parking area whereas a visual barrier of not less than 1.2 m nor greater than 2.0 m in height is required.

The proposed Official Plan Amendment establishes a Special Policy Area to permit general offices within the existing building.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is requesting a modification in zoning to permit general office uses only within the existing building. Fifteen parking spaces and one loading space are to be provided on site.

- Zoning Application 91-66

  In 1992, Council approved Zoning Application 91-66, made by J. Beume Real Estate Ltd., which was for an Official Plan Amendment and modification in zoning to permit general office uses within the existing building at 121 Augusta Street. In approving the application, the amending By-law was held in abeyance until the applicant had applied for and received Site Plan approval for the parking area. In addition, the applicant was required to enter into an encroachment agreement with the City of Hamilton for the concrete pedestal that encroached into the road allowance.

  In 1993 the applicant advised the Planning and Development Department that they were not proceeding with the redevelopment of the site and withdrew their application for Site Plan Control. As such, Council repealed Official Plan Amendment No. 105. As the By-law for a modification in zoning was never passed by Council, the "L-mr-2" (Planned Development - Multiple Residential) District zoning remained in effect.

- Zoning Application 92-02 (124 Augusta St.)

  In 1992, Council approved Zoning Application 92-02, 124 Augusta St. to permit a further modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to permit the conversion of the existing building into a residential care facility. The implementing by-law permits a maximum of 70 residents being qualified senior citizens.

APPLICANT:

Community Adolescent Network of Hamilton, owner.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of 29.98 metres (98.39 feet) on Augusta Street;
- a depth of 40.23 metres (132.00 feet); and,
- a lot area of approximately 1,206 metres^2 (12,987 sq.ft).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant Warehouse	"L-mr-2" (Planned Development - Multiple Residential) District
Surrounding Land Use		
to the north, south and west	Single Detached Residential	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the east	Vacant Building	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2."

The proposed commercial uses are general offices, which would not serve the immediate residents. As such, the proposal does not comply with the RESIDENTIAL designation.

The proposal conflicts with the general intent of the Official Plan. As such, approval of the

application will necessitate an amendment to the Official Plan to establish a new Special Policy Area to permit "general office" uses within the "Residential" designation.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Medium Density Apartments" in the approved Corktown Neighbourhood Plan. The proposal does not comply with the approved plan. The long term intent is for this area to be developed for medium density apartments and as such a redesignation is not recommended as the proposed general office use is considered to be an interim use.

COMMENTS RECEIVED:

- The Regional Planning Department advised:

  "The subject lands are identified as "Urban Area" and "Regional Centre", in the Hamilton-Wentworth Official Plan.

  The proposed undertaking must conform to Policy B-2.3 "Contaminated Site Remediation, of the H.W.O.P."

  These policies require proponents of development to document previous uses where there is a potential exists of site contamination. If soil contamination exists, then the proponents will be required to decommission the site to the satisfaction of the Ministry of Environment and Energy.

- As of August 3, 1995, the Ministry of Environment and Energy had not provided a written response. However, MOEE staff verbally advised that if the environmental audit and noise and vibration studies were prepared by a professional engineer in accordance with MOEE requirements then the proposal should be acceptable to the MOEE.

- The Traffic Department advised:

  "A similar application to establish a "Special Policy Area" to allow general offices within a residential designation was submitted in 1991 (ZA 91-66).

  At that time, it was estimated that the existing building could house 50 to 60 employees. We could not support the application on the basis that the parking generated by this number of employees, in addition to the parking demand for customers and deliveries, would easily overflow the proposed 15 parking spaces and aggravate the already critical parking situation in this residential area. In the absence of any information to the contrary, our comments regarding ZA 91-66 are applicable to this application.

Should the Committee approve the application, we recommend that the proposed offices be restricted to general offices only. With reference to the preliminary site plan submitted with the application, please be advised that we have reviewed the preliminary plan and have the following comments.

We recommend that the access to Augusta Street be modified to provide a minimum width of 6.0 m at the property line and the concrete curb on the west side of the access driveway be reduced in length to 5.0 m to provide improved manouvering into the parking area.

The submitted plan indicates that one loading space 9.0 m in length is required. Our review of the required loading indicates that one space 18.0 m in length is required by the Zoning By-law. However, we would support a variance to the by-law to permit a 9.0 m loading space located at the rear of the building with the manouvering area to be located off site."

- The Roads Department advised:

"The subject property can be serviced for water from the existing watermain on Augusta Street. Storm and sanitary sewer servicing of the site can be handled through the existing 525 mm diameter combined sewer on Augusta Street which was designed to handle the run-off from this property. Therefore, we have no objection to the proposed OPA to allow general offices in place of multiple residential.

The road allowances of Baillie Street and Augusta Street are 15.24 m and 20.12 m respectively, therefore, no widenings are required.

Any works which may occur within the Baillie Street and/or Augusta Street road allowances must conform to the City of Hamilton Street s By-law.

All proposed heavy landscaping (ie trees, bushes, etc.) must be located on private property, otherwise an Encroachment Agreement with the City of Hamilton will be required.

According to previously submitted plans for Zoning Application ZA-91-66, the existing air conditioner and concrete pedestal encroached onto the Baillie Street road allowance. Should this situation still exist, we recommend that the applicant/owner enter into an encroachment agreement with the City of Hamilton for the concrete pedestal and air conditioner.

In addition, it also appeared that the applicant/owner intended to construct a new roof which would overhang 1.2 m onto the Baillie Street road allowance. This type of encroachment is not permitted by the City of Hamilton and should be clarified with the applicant/owner.

Any new access requires an Approach Approval from the City of Hamilton Traffic Department. Comments from the City of Hamilton Traffic Department with respect to on-site parking, loading, and manouvering should be considered.

The applicant/owner should be advised that removal of the existing access to the subject lands on Baillie Street will require the restoration of Bailie Street road allowance to the satisfaction of the City of Hamilton Public Works Department.

We require 5 m x 5 m daylight visibility triangles between the access and the Augusta Street streetline where no mature vegetation or objects can exceed a height of 0.60 m above the corresponding perpendicular centreline elevation on Augusta Street. Therefore the proposed ground sign adjacent to Augusta Street must be relocated and Parking Space No. 1 must be removed. In addition, we recommend that the portion of the existing 300 mm wide x 1000 m high concrete wall within the 5 m x 5 m daylight visibility triangle be removed, or reduced in height to a maximum of 0.60 m above the corresponding perpendicular centreline elevation on Augusta Street.

We also recommend that the subject lands be developed through site plan control at which point this department will provide detailed comments with respect to setbacks, grading, drainage, landscaping, etc."

- The Building Department advised:

"1. The variances as stated are correct.

2. A survey of the property does not show the main entrance, and shows some possible encumbrances in the parking area immediately south of the building. The exact extent of the variances cannot be determined with the submitted plan.

3. The remaining variances stated on the plan are correct."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. If approved, an amendment will be required to establish a new Special Policy Area to permit general offices within the existing building.

2. The proposed Official Plan Amendment is a site specific re-designation that will add a new policy to A.2.9.3 (Other Policy Areas) to permit general office uses within the "Residential" designation for the subject lands (121 Augusta Street). In accordance with Section 3 of the Planning Act, as amended by Bill 163, all official plan amendments must be consistent with the Comprehensive Set of Policy Statements (CSPS).

CSPS Policies A3.3 and A3.4 (hazardous and contaminated sites), B1 (Social and Human Services Needs), B16 (Transportation, Infrastructure Corridors and Rights of Way) and B17 (Land Use Compatibility) apply to the proposed OPA.

The subject lands were previously used as an industrial site. Policy A3.3 and A3.4 of the CSPS state that redevelopment on a hazardous site will only be permitted in the site has been rehabilitated to remove or mitigate the hazard so that there is no remaining danger to public health and safety or property damage. The applicant has provided Phase I and II environmental audits which concluded that:

"The Phase II investigation has revealed no evidence of environmental contamination outside the building area. Sampling and laboratory testing of the on-site soils indicate that the concentration of all parameters tested are below MOEE criteria for the proposed commercial use." (PetoMacCallum Ltd., Phase II Environmental Assessment, pg.6)

As such, the proposed OPA is consistent with Policies A3.3 and A3.4 of the CSPS.

Policy B1 of the CSPS requires that the linkages between social and human service needs and land use planning be recognized and that opportunities for public services should be provided. The proposed offices will be used by the Community Adolescent Network of Hamilton who will be providing public services. As such, the proposed OPA is consistent with Policy B1 of the CSPS.

The subject lands are located in close proximity to a rail corridor. As such, Policies B16 and B17 of the CSPS apply. The applicant's agent has provided a noise attenuation study which concluded that "This current masonry building construction easily satisfies the minimum MOEE requirements" (Aercoustics Engineering, Environmental Noise and Vibration Study, pg.7). As such, the proposed OPA complies with Polices B16 and B17 of the CSPS.

In addition, the proposed OPA is in keeping with the general intent of the CSPS which is to encourage intensification of existing urban areas through the appropriate redevelopment of vacant or under utilized properties. On the basis of the forgoing, the proposed OPA is considered to be consistent with the applicable policies of the CSPS.

3. The proposal conflicts with the approved Corktown Neighbourhood Plan. However, the proposal has merit. The long term intent is for this area to be developed for medium density apartments and as such a redesignation is not recommended as the proposed general office use is considered to be an interim use.

4. The proposal has merit and can be supported for the following reasons:

   i) it is an adaptive re-use of an existing older industrial building which will improve its appearance within the neighbourhood;

   ii) the change of land use within the existing building will not prejudice future development of the lands in accordance with the approved Corktown Neighbourhood Plan; and,

   iii) the proposed use would be more compatible than the non-conforming storage warehouse with the existing residential neighbourhood.

5. Based on a preliminary site plan, the Building Department has advised that approval of the application will require the following variances from the provisions of the Zoning By-law:

   - Ground Sign (Section 17B(4))

     A ground sign of 1.2 m in height is proposed to be located in the front yard, notwithstanding that a ground sign is not a permitted use nor is it permitted in the front yard. A variance to permit the ground sign can be supported as the ground sign should not intrude in the neighbourhood in the way a larger or lit sign (such as a pylon sign or a mobile sign) would. The appropriate means of regulating the sign would be to specify a maximum area of 1.2 square metres and also to require either non-illumination or indirect non-flashing illumination only.

   - Parking Space Length (Section 18A(7))

     Three of the parking spaces are proposed to be 5.2 m in length whereas By-law No. 6593 requires a parking space length of 6.0 m. A variance to reduce the length of the parking spaces can be supported as the property narrows due to the location of Augusta Street thus reducing the land available for parking. The applicant may wish to erect signs designating these parking spaces for small cars only.

   - Manoeuvring for the Loading Space (Section 18A(9))

     The Traffic Department noted that the loading space should have a minimum length of 18.0 m. It is noted that the Zoning By-law requires that loading spaces be a minimum of 18.0 m in length for commercial uses and 9.0 metres in length for office uses. As the proposed redevelopment of the site is for office uses, the minimum required length of the loading space is 9.0 m.

One 3.7 m x 9.0 m x 4.3 m loading space is to be provided at the rear of the existing building. However, due to the location of the existing building and the lot width, the required manoeuvring space will be off-site (i.e. on Bailie Street). A variance to permit the off-site manoeuvring can be supported due to the existing conditions and the support for this variance by the City Traffic Department.

- Required Parking Adjoining a Residential District (Section 18A(11))

The adjoining property to the east of the subject lands is zoned "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified. Section 18A(11) of Zoning By-law No. 6593 requires a minimum front yard setback for the parking area (for that portion of the parking area within 3.0 m of a residential district) on the subject lands equivalent to that required for the adjoining "E" zoned land. This would require a setback of the parking area of approximately 12.0 m (40 feet). The constraints on the site (building placement and lot site) necessitate the provision of parking within the front yard in order for the applicant to supply the parking as required by Zoning By-law No. 6593. Therefore, a variance to eliminate this requirement can be supported.

- Visual Barrier - Easterly Lot Line (Section 18A(12)(c))

As the easterly lot line adjoins a multiple-family residential district, a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height is required. There is an existing concrete wall located along the easterly lot line which is 1.0 m in height at its lowest point and rises to a maximum height of 4.5 m near the existing building. The applicant is proposing to extend the concrete wall to the building. A variance to reduce the height of the visual barrier can be supported as the adjoining property to the east is currently used for warehouse/wholesale uses, notwithstanding the fact that it is zoned for residential use. A portion of the wall will be lower than the 1.2 m minimum height by 0.2 m (6 inches) which is minor in nature.

- Required Parking in the Front Yard (Section 18A(14))

Seven of the required fifteen parking spaces are proposed to be in the required front yard. A variance to permit these parking spaces in the front yard can be supported as the placement of the existing building on the lot necessitates provision of the parking spaces in the required front yard in order for the applicant to supply the minimum number of parking spaces required by Zoning By-law No. 6593.

6. The Roads Department noted that based on the previously submitted plans for Zoning Application ZA-91-66, the existing air conditioner and concrete pedestal encroached onto the Baillie Street road allowance. The Roads Department requested that should this situation still exist, then the applicant/owner enter into an encroachment agreement with the City of Hamilton for the concrete pedestal and air conditioner. Based on plans submitted, the applicant is proposing to remove the concrete pedestal and air conditioner. As such, an encroachment agreement is not required unless there are changes to the proposed plans. However, these changes can be reviewed at the site plan review stage.

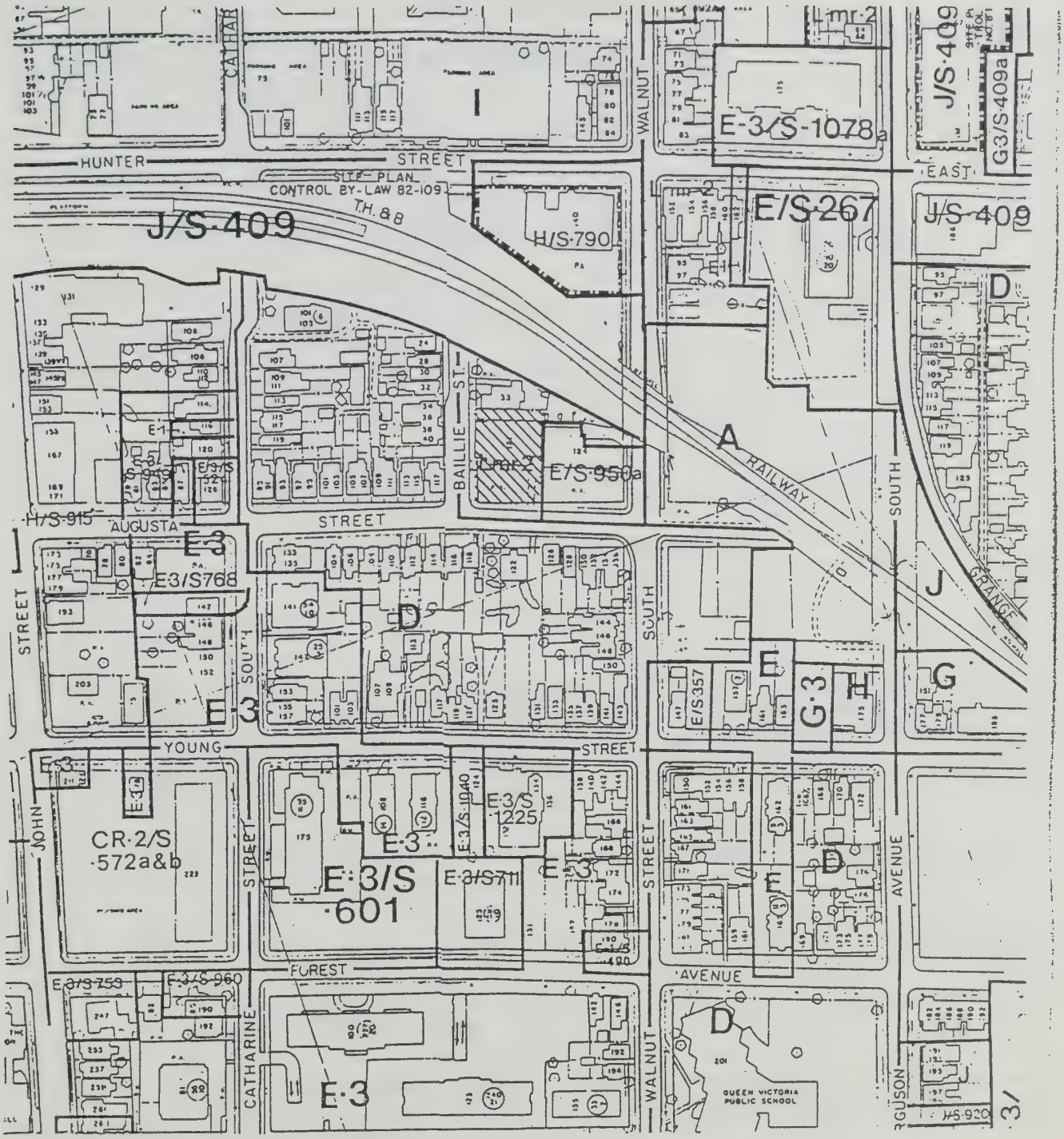
7. The lands are subject to Site Plan Control By-law No. 90-285. There are outstanding concerns to be resolved respecting the parking area which should appropriately be addressed through the site plan process. The Building Department has advised, however, that a parking lot does not require a building permit and the City would have no means to enforce the site plan process unless the amending By-law is held in abeyance until the site plan is finalized. Therefore, it would be appropriate that the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of site plans, registered on title, for the parking area.

8. The applicant's are proposing to redevelop a former industrial site adjacent to a railway. As such, redevelopment of the site should not proceed until the Ministry of Environment and Energy have advised in writing that the Phase I and II Environmental Audit and the Noise and Vibration Study comply with the Ministry's requirements. This is required to comply with the requirements of the Comprehensive Set of Policy Statements, the Regional Official Plan and the City of Hamilton Official Plan. As such, the implementing Zoning By-law should be held in abeyance until such time as MOEE advises that the environmental audit and noise and vibration studies comply with all applicable MOEE requirements

CONCLUSION:

Based on the foregoing, the application can be supported.

SR/sr
95-20



Legend

Site of the Application

ZAC-95-20

APPENDIX "A"

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 August 10
CI-95-C
Gibson Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P, R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: City Initiative 95-C, 11 Arthur Avenue South

RECOMMENDATION:

A. That approval be given to City Initiative 95-C, for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, to permit the development of a single-family detached dwelling, for lands located at 11 Arthur Avenue South, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential, etc.) District;

ii) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject property be modified to include the following variances as special requirements:

a) notwithstanding Section 10.(4)(i), a lot width of at least 8.2 metres and a lot area of at least 305 square meters shall be required for a single family dwelling; and,

b) notwithstanding Section 10.(3)(ii), a minimum side yard along each side lot line of 0.9 meters shall be permitted for a single family dwelling;

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-22 be noted S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Map E-22 for presentation to City Council;

v) That the Gibson Neighbourhood Plan be amended to redesignate the subject lands from "Commercial" to "Single and Double" Residential; and,

vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District for the lands located at 11 Arthur Avenue South, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the development of a single detached dwelling.

In addition, the By-law provides for the following variances as special requirements:

- permits a minimum lot width of 8.2 m, whereas 12.0 m is required;
- permits a minimum lot area of 305 m^2, whereas 360.0 m^2 is required; and
- permits a minimum side yard of 0.9 m, whereas 1.2 m is required.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- The Real Estate Department has requested that the subject lands be rezoned from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, to facilitate the development of a single-family detached dwelling.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of 8.23 m (27 ft.);
- a depth of 37.73 m (123.79 ft.);
- a lot area of approximately 305 m^2 (3,285 sq. ft.).

LAND USE AND ZONING:

	Existing Land Uses	Existing Zoning
Subject Lands	Parking Lot	"G-3" (Public Parking Lot) District
Surrounding Lands		
to the north	Commercial and Parking Area	"H" (Commercial)
to the south and east	One and Two-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings) District
to the west	Commercial	"H" (Commercial) District

OFFICIAL PLAN:

The subject lands are designated **Commercial** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, where one exists:

i) Residential uses subject to the following provisions:

a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;

b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;

c) in the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component and be physically separated from the COMMERCIAL component and associated customer parking areas; and,

d) satisfy the provisions of Subsections A.2.1 and C.7.

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" in the approved Gibson Neighbourhood Plan. The proposal to permit a single detached dwelling does not comply with the approved Neighbourhood Plan, therefore the designation should be changed to "Single and Double" Residential.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:

  - Traffic Department; and,
  - Hamilton Region Conservation Authority

- The Regional Roads Department advised:

  "There are public watermains and combined storm and sanitary sewers available to service the subject lands.

  The existing road allowance width of Arthur Avenue is 15.24m which is the minimum width for City of Hamilton streets. Therefore, we do not anticipate any further road allowance widenings at this time.

  According to our records, the east-west alley adjacent to and north of the subject lands is public unassumed. Therefore, the City of Hamilton cannot guarantee free and clear access to these lands from the public unassumed alley.

  The elevations at the Arthur Avenue road allowance limits should be approximately the same as the existing perpendicular centreline elevation of Arthur Street. The grade of the driveway should not exceed 7% and the elevation at the garage floor should be a minimum of 0.3m higher than the elevation at the back of the sidewalk. To ensure that this requirement is met, we recommend that the lands be developed through site plan control or a grading plan be registered on title. Alternatively, controls should be placed

in the Zoning By-law to ensure that a depressed driveway will not be constructed on this property.

To ensure adequate visibility, we recommend that any visual barriers along the north property line be set back a minimum of 5m from the Arthur Avenue road allowance limits. We also recommend that the normal 6.0m front yard setback from Arthur Avenue be maintained.

Any works which may occur within the Arthur Avenue road allowance must conform to the City of Hamilton Streets by-law."

- The Building Department advised:

"Unless held in separate registered title prior to July 25th, 1950, the lands appear to have insufficient width and area for any "D" district use."

***COMMENTS*:**

1. The proposal complies with the intent of the Official Plan.

2. The proposal conflicts with the approved Gibson Neighbourhood Plan. If approved, the subject lands should be redesignated from "COMMERCIAL" to "SINGLE & DOUBLE" residential.

3. The proposal has merit and can be supported for the following reasons:

   - It complies with the intent of the Official Plan; and,

   - It is compatible with existing and proposed development in the area.

4. Approval of the City Initiative will be subject to variances from the zoning by-law with respect to lot width and lot area. The lot has a minimum width of 8.2 metres whereas 12.0 metres is required and a minimum lot area of 305.0 square metres whereas 360.0 square metres is required.

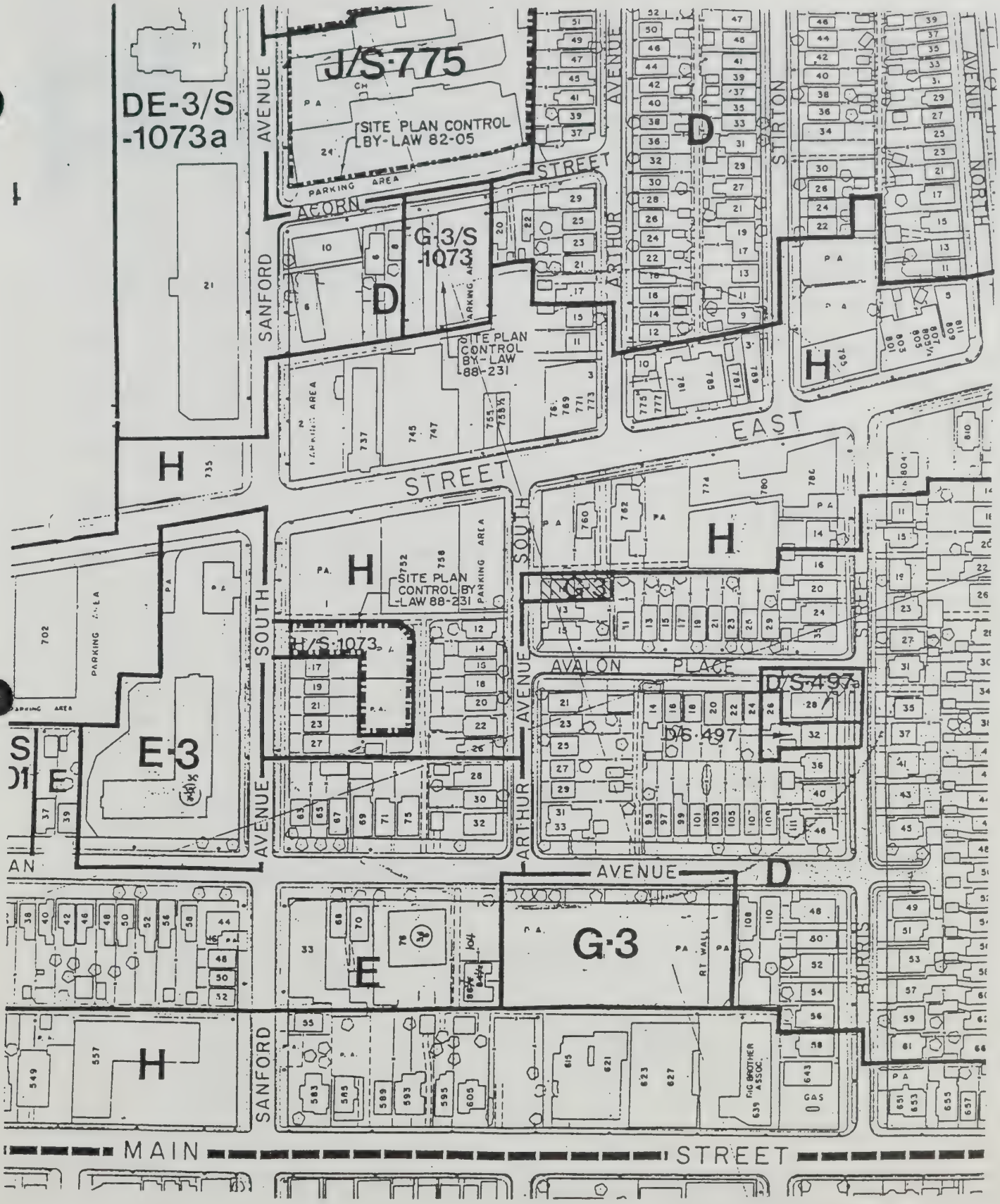
   In addition, the minimum side yards should be reduced from 1.2 m to 0.9 m for a single family dwelling. This is in keeping with Section 18.(3)(v) of Zoning By-law No. 6593 which permits a reduction in the required side yards for lots of record. Specifically, a side yard equal to ten percent of the width of the lot is permitted provided that each side yard is at least 0.9 m wide. As there are existing lots of record in the immediate vicinity that do not comply with the minimum lot width requirement of the "D" District, the proposed variance would permit development of a single family dwelling in keeping with the general character of the area.

5. The Roads Department recommended that the lands be developed through site plan control or a grading plan be registered on title or that controls should be placed in the Zoning By-law to ensure that a depressed driveway will not be constructed on this property. Rather than utilizing site plan control or specific zoning regulations, the location and grade of the driveway can be negotiated as part of the building permit review process.

CONCLUSION:

Based on the forgoing, the City Initiative 95-C can be supported.

SR:sr
CI95-C.ART



SITE OF THE APPLICATION

CI - 95 - C

APPENDIX "A"

planning initiatives ltd.
engineers, planners and landscape architects

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PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
AUG 11 1995
TO | INFO. | ACT.
DIR. VA ✓
ADMIN.
5.(a.)

FAX MEMO

DATE: August 10, 1995

TO: Joe Lakatos, Planner

FROM: John Ariens

FAX NO.: 546-4202

FILE NO.: HP-317

RE.: Columbia International College
Rezoning Application - 366-368 King Street West

Further to our recent telephone discussion, please consider this fax letter as our request to defer the presentation of this application to the August 23rd Planning Committee meeting. As I indicated to you, the site plan and building configuration are being revised in order to eliminate the parking and driveway components.

Once the revised plans are available we would like to meet with you and Mr. Mallard to present these changes.

We acknowledge that since the application has been revised an additional circulation fee of $ 250.00 will be required to process the revised plan.

Thank you for your anticipated co-operation.

Yours truly,
PLANNING INITIATIVES LTD.

John S. Ariens, B.E.S.,
Director of Development

JSA/esl

cc.: Clement Chan
Milt Lewis

6.(a.)

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1995 August 9 ZAC-94-19 & SAC-94-02 Mountview Neighbourhood
REPORT TO:	Stella Glover, Secretary Planning and Development Committee
FROM:	V.J. Abraham, M.C.I.P., R.P.P. Director, Planning and Development Department J. Pavelka, P.Eng. Chief Administrative Officer
SUBJECT:	(1) Proposed Official Plan Amendment; (2) Proposed Re-zoning Application, ZAC-94-19; and, (3) Proposed Draft Plan of Subdivision, SAC-94-02 (Regional File 25T-94004).

RECOMMENDATION:

A. That Zoning Application 94-19, Starward Homes, perspective owner, for an Official Plan Amendment to change the designation from "Major Institutional" to "Residential" (Blocks 1 and 3) and from "Major Institutional" to "Open Space" (Blocks 2 and 4), as shown on the attached map marked as APPENDIX "B" and for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"), "A" (Conservation, Open Space, Park and Recreation) District (Blocks "2" and "4") and "R-4" (Small Lot Single - Family Dwelling) District, (Block "3"), as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) The application conflicts with Council adopted policy;

ii) The application conflicts with the approved Mountview Neighbourhood Plan;

iii) The application is considered to be premature for the following reasons:

a) The size, location and limits of the storm water management system have not been finalized;

b) The subject lands are located within the study area of the Mountview Mediation Committee and as such approval of the application may limit the options of said committee; and,

c) Official Plan Amendment OPA-MTV, which encompasses the subject lands, which was denied by Council and subsequently appealed to the Ontario Municipal Board has not been resolved.

B. That the request from Mr. Barry Clarke of A. J. Clarke and Associates, on behalf of Chedoke Health Corporation for approval of a draft plan of subdivision - "Tiffany", comprising of 173 lots for single family dwellings in the Mountview Neighbourhood, under Regional File 25T-94004, as shown on APPENDIX "C", be DENIED.

C. That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Starward Homes, prospective owner.

Agent:

Brian Duxbury, solicitor.

Surveyor:

Barry Clarke, O.L.S., A. J. Clarke and Associates Limited, Hamilton.

Location:

The lands are located between Scenic Drive and Chedmac Drive, west of Rice Avenue, in the Mountview Neighbourhood.

Lot Size and Area:

The subject property has:

- a width of 143 metres (469 feet);
- a depth of 658 metres (2,159 feet); and,
- a lot area of approximately 13.83 hectares (34.17 acres).

Proposed Official Plan Amendment

- The applicant is requesting an Official Plan Amendment to change the land use designation from "Major Institutional" to "Residential" (Blocks 1 and 3) and from "Major Institutional" to "Open Space" (Blocks 2 and 4), as shown on the attached map marked as APPENDIX "B".

Rezoning Proposal

- The applicant is requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"), "A" (Conservation, Open Space, Park and Recreation) District (Blocks "2" and "4") and "R-4" (Small Lot Single - Family Dwelling) District, (Block "3") (see APPENDIX "A").

Subdivision Proposal

- The proposal is to permit the development of 173 lots for single family dwellings (26 small lot singles and 147 single lots) and various blocks for stormwater detention, roadway and future development purposes (see APPENDIX "C").

History

- OPA-MTV

In 1993, Chedoke Health Corporation made an application for an Official Plan Amendment, Secondary Plan and Neighbourhood Plan Amendment for the redesignation of lands adjacent to and surrounding Chedoke Hospital. The application was for:

1. Redesignation of a portion of the lands from "Major Institutional" to "Open Space" and "Residential";
2. Creation of a Secondary Plan to the Official Plan which specifies land use densities for the subject lands; and,
3. The introduction of specific policies to the Official Plan for the subject lands.

At its meeting held on July 20, 1994, Planning and Development Committee denied the application on the following basis:

"1. That Official Plan Amendment Application OPA-MTV, Chedoke Health Corporation, owner, requesting a redesignation of lands within the Mountview Neighbourhood from "Major Institutional" to "Residential" and "Open Space"; to create a new Schedule "J-1" for the Chedmac Secondary Plan Planning Area; and to establish new policies relating to the introduction of a new Schedule "J-1", as shown on APPENDIX "A", be DENIED for the following reason:

   a) the proposed development is not desirable for the subject lands.

2. That the request by Chedoke Health Corporation to amend the Mountview Neighbourhood Plan, in accordance with Schedule "J-1" of Official Plan Amendment Application OPA-MTV, as shown on APPENDIX "A" be DENIED for the following reason:

   a) the proposed development is not desirable for the subject lands."

At its meeting of July 26, 1994, City Council denied the application for an Official Plan Amendment, Secondary Plan and Neighbourhood Plan Amendment.

- ZAC-94-19 and SAC-94-02

The Planning and Development Committee, at its meeting of October 5, 1994, tabled consideration of the application for a change in zoning and proposed plan of subdivision at the request of the applicant. Planning staff, in their report dated September 27, 1994

recommended that the application be denied for the following reasons:

i) The application conflicts with Council adopted policy;

ii) The application conflicts with the approved Mountview Neighbourhood Plan; and,

iii) The application is considered to be premature pending resolution of the status of the Official Plan Amendment and Neighbourhood Plan.

- Official Plan Amendment

On February 2, 1995, an application was made by Starward Homes for an Official Plan Amendment for the subject lands located between Scenic Drive and Chedmac Drive, west of Rice Avenue. The application was made in order that Starward Homes could proceed with developing the subject lands for low density residential uses independently of the Secondary Plan submitted by Chedoke Health Corporation as part of Official Plan Amendment OPA-MTV. The proposed land use designations on the Starward Homes application are the same as those proposed by Chedoke Health Corporation.

- Ontario Municipal Board

At the request of Chedoke Health Corporation, proposed Official Plan Amendment OPA-MTV was referred to the Ontario Municipal Board (O.M.B.). In order that the O.M.B. may consider the application for an Official Plan Amendment, rezoning and subdivision, Starward Homes' agent has requested that Council consider said applications prior to the applicant referring the proposed Official Plan Amendment, rezoning and subdivision to the Ontario Municipal Board in order for the O.M.B. to consider the Chedoke Health Corporation and Starward Homes applications simultaneously.

- Mountview Mediation Committee

In late 1994, May, Pirie, Dakin and Associates, on behalf of Chedoke Health Corporation, requested a mediation process be set up with a committee of neighbourhood residents. The purpose of the Committee is to attempt to resolve the issues identified by residents of the affected neighbourhoods during the review of the requested development by Chedoke Health Corporation.

The Mediation Committee has been established to review the requested amendment, the background studies, and the planning documentation prepared during the processing of the amendment. The Committee will attempt to reach consensus between the area residents, the Ward Aldermen, and Chedoke Health Corporation regarding the development of Chedoke Health Corporation's lands, in terms of the variety and density of land use.

The Mountview Mediation Committee held its first meeting on June 12, 1995. At that time, the Terms of Reference for the Committee were established. As the Mediation Committee is still in the early stages, approval of the Official Plan Amendment, rezoning and Plan of Subdivision could predispose the work of the committee in recommending an appropriate mix of land uses for the Chedoke lands.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural)" District
Surrounding Land Use		
to the north	Single Detached Dwellings	"C" (Urban Protected Residential, etc.)
to the south	Institutional and Recreational uses	"AA" (Agricultural) District
to the east	Institutional uses	"AA" (Agricultural) District
to the west	Institutional uses	"AA" (Agricultural) District

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan The lands are within the "Urban Policy Areas" and identified as "Existing Development". The proposal does not conflict with the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan The lands are designated **Major Institutional** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The following policies, amongst others, should be noted

"A.2.6.1 The primary uses permitted in the areas exceeding 0.4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.

A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7 of the Plan."

The following policies of Subsection A.2.1 - Residential Uses should also be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas, and as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

ii) Alteration of traffic flows."

Based on policy A.2.6.5, the residential component of the proposal would comply with the Official Plan provided that policies A.2.1.8 and C.7.1 i) are satisfied. Policy A.2.1.8 requires that an application conform with Subsection D.2 - Planning Units and Neighbourhood Plans. As the proposal does not comply with the approved Neighbourhood Plan, the application conflicts with Subsection D.2. Therefore, as the tests contained in policy A.2.1.8 are not met, the residential component of the proposal does not comply with the Official Plan.

Based on policy A.2.6.1, the open space component of the proposal does not comply with the Official Plan. As such, an Official Plan amendment is required to redesignate Blocks 2 & 4 from "Major Institutional" to "Open Space".

It is noted that the application for an Official Plan Amendment which encompassed the subject lands was denied by City Council.

Neighbourhood Plan The lands are designated "Civic & Institutional" in the approved Mountview Neighbourhood Plan. The proposal does not comply with the approved Mountview Neighbourhood Plan.

Chedoke Health Corporation made an application to amend the Neighbourhood Plan. The application was denied by the Planning and Development Committee on July 20, 1994. However, it is noted that the proposed plan of subdivision does not comply with the proposed neighbourhood plan in that the neighbourhood identified a pedestrian walkway connecting San Pedro Drive with Crescent "B" at Miller Avenue.

Zoning The lands are zoned "AA" (Agricultural)" District. The applicant has requested a change in zoning for the subject lands. The requested changes in zoning are shown in APPENDIX "A".

COMMENTS FROM CIRCULATION:

1. Proposed Official Plan Amendment

   - The following agencies have no comment or objection to the proposed Official Plan Amendment:

     - Regional Planning Department;
     - Traffic Department; and,
     - Building Department.

   - The Niagara Escarpment Commission advised that:

     "The Commission has no objection to the proposed Official Plan Amendment and related Zoning By-law Amendment ZAC-94-19 provided that the municipality require a minimum standard of landscaping around the perimeter of Block 2 to enhance the quality of the waters stored within the stormwater management facility."

2. Re-zoning Application:

   - The following agencies have no comment or objection:

     - the Building Department;
     - the Ministry of Transportation; and,
     - the Traffic Department.

- The Niagara Escarpment Commission advised that staff have no objection and that:

  "With respect to the above-noted property, only Block 2 adjoins the Niagara Escarpment Plan Area. Consequently in its review of the proposed development the municipality may elect to incorporate a minimum standard of landscaping around the perimeter of this block to create a 5-10 m (16 - 33 ft) treed strip. The incorporation of this standard would add to the quality of the waters stored within the stormwater management facility (i.e. low temperatures) and would promote a transitional edge between this new community and the forested landscape of the Sanatorium grounds. Furthermore, this vegetative area could include tree species that are predominately native to the Hamilton region of the Escarpment thereby fostering landscape linkages between the development and the abutting features within the Niagara Escarpment Plan."

- The Hamilton Region Conservation Authority has advised:

  "Block 2 of the subject property is proposed to be rezoned "A" (Conservation, Open Space, Park and Recreation) District. This Block will be used for stormwater management (quantity/quality) purposes. The stormwater management report prepared for the Mountview Neighbourhood Plan outlines that a traditional stormwater management pond that is fenced and incorporates 3:1 side slopes is proposed. Through our discussions with the Region's Transportation and Environmental Services Department, it is our understanding that this is not suitable.

  Both the Transportation and Environmental Services Department and the Ministry of Natural Resource are encouraging the owner of the subject property to develop a stormwater management report that utilizes the natural features of the land and incorporates "natural pond" design. This would include ensuring that the areas needed for natural stormwater management ponds are of a sufficient size. Authority staff fully support stormwater management that implements "natural design" features.

  The subject property is located within the Mountview Neighbourhood Plan area. Authority staff note that this Neighbourhood Plan has been turned down by Council. The revised Neighbourhood Plan should examine "natural design" and the utilization of the natural features of the land in stormwater management.

  Based on the above, staff of the Hamilton Region Conservation Authority view application ZAC-94-19 as being premature."

3. Subdivision Application:

The proposal was circulated to various departments and agencies for review and comment. The Hamilton Region Conservation Authority has noted that the Neighbourhood Plan has been turned down by Council and has requested that a revised Neighbourhood Plan examine a "natural design" and utilization of the natural features of the land in stormwater management.

The Roads Department has advised:

"FOR INFORMATION:

1) For the information of the applicant/owner, all streets no longer required for roadway purposes must be closed.

2) Pending final comments from the Public Transit Authority, any required transit lay-over recovery areas and bus stop locations on Chedmac Drive must be shown on the subdivision drawings and registered on title to any residential lots within 30m of these areas.

3) The status of the Miller Avenue and the Beamis Avenue rights-of-ways should be determined. The Planning Department may wish to determine whether the City has any interest in establishing a pedestrian connection from the lands to the north, through these rights-of-ways, the easements over Lots 40 and 52 to Crescent "B" on the draft plan.

4) The proposed stormwater management pond will be owned by the City of Hamilton outright.

RECOMMENDATIONS:

1) That the applicant/owner establish the right-of-way width of Chedmac Drive to 26m. To improve motorist's sight visibility along Chedmac Drive from the existing arena entrance and other future accesses in the area, the applicant/owner may be required to either dedicate an additional widening from the subject lands on the south side of Chedmac Drive to the City of Hamilton to establish Chedmac Drive to 32m or improve the proposed radius of Chedmac Drive adjacent to Lots 137 to 150 inclusive.

2) That the alignment of Chedmac Drive, realignment of Sanatorium Road and the road realignment at the intersection of Scenic Drive and Chedmac Drive/Sanatorium Road be revised to the satisfaction of the Director of Traffic

Services of the City of Hamilton and the Commissioner of Transportation/Environmental Services. All associated roadway construction and realignment costs as a direct result of this proposed development will be the sole responsibility of the applicant/owner.

3) That the applicant/owner submit a detailed functional engineering study showing the alignment of Chedmac Drive, realignment of Sanatorium Road and the road realignment of the intersection of Scenic Drive and Chedmac Drive/Sanatorium Road.

4) That the centreline street radius of Crescent "B" in the vicinity of Lots 14 to 19 inclusive must be revised to conform to the Regional Roads Department geometric design criteria, being a minimum curvature of 110m radius to the centre of the road allowance. This curvature is a minimum and should be increased where-ever possible to do so. Only at those bends that are at or near a right-angle can this standard be reduced; in those cases, the bend should not be greater that 120 degrees nor the centre-line radius greater than 30m.

5) That any dead-end open sides of the road allowance created by the Final Plan of Subdivision be terminated on 0.30m reserves, and that these reserves be transferred to the City in conjunction with registration of the Final Plan of Subdivision.

6) That the applicant/owner convey all the necessary lands required by the Transportation/Environmental Group for drainage and storm water management purposes to the City of Hamilton.

7) That the applicant/owner convey Block 175 to the City of Hamilton for Park/Open Space.

8) That the applicant/owner convey Block 179 to the Region as a public highway.

9) That the applicant/owner retain the services of qualified professionals to complete an environmental study to provide details for the construction and operation of the stormwater management pond, including the biological, aesthetic, safety, hydrological, maintenance and other concerns to the satisfaction of the Commissioner of Transportation/Environmental Services. Depending on the size of the proposed stormwater detention pond, the final number of lots on and the length of Crescent "B" may be reduced.

10) That the applicant/owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements financial or otherwise of the City of Hamilton.

The submitted plan prepared by B.J. Clarke, O.L.S. dated May 20, 1994 is satisfactory to the Transportation/Environmental Services Group subject to the above noted comments and recommendations."

The Roads Department further advised of the following:

"1) Chedmac Drive must be established and constructed at the first phase of subdivision development and that the costs associated with this roadway would be the responsibility of the subdivider. The City of Hamilton would be responsible for any oversizing costs with respect to pavement width under its normal subdivision cost sharing policies."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan of the City of Hamilton. The application requires an Official Plan Amendment to redesignate the subject lands from "Major Institutional" to "Residential" and "Open Space". The application conflicts with Council adopted policy in that the application for an Official Plan Amendment, Secondary Plan and Neighbourhood Plan was denied by Council at its meeting of July 26, 1994, contrary to staff recommendation, following an extensive public meeting process.

2. The proposal conflicts with the approved Mountview Neighbourhood Plan. A neighbourhood plan amendment would be required to redesignate the lands from "Civic & Institutional" to "Single and Double Residential" and "Open Space". In addition, the proposed plan of subdivision does not provide a pedestrian walkway connecting San Pedro Drive with Crescent "B". The pedestrian walkway could be provided at Miller Avenue given that a servicing easement is required at this location.

3. The application is considered to be premature pending resolution of the status of Official Plan Amendment OPA-MTV and Neighbourhood Plan.

   However, should the Committee consider the application favourably, then the matter should be referred back to Planning staff in order that the necessary conditions of draft plan approval can be prepared. In addition, it will be necessary to hold a public meeting in accordance with the provisions of the Planning Act and the City of Hamilton Official Plan.

4. The application is considered to be premature pending resolution of the road network and the storm water management system. The Roads Department has advised that depending on the size of the proposed stormwater detention pond, the final number of lots on and the length of Crescent "B" may be reduced. However, the exact location and shape of the stormwater management pond cannot be determined until the alignment of Chedmac Drive, realignment of Sanatorium Road and the road realignment at the intersection of

Scenic Drive and Chedmac Drive/Sanatorium Road is revised to the satisfaction of the Director of Traffic Services of the City of Hamilton and the Commissioner of Transportation/Environmental Services.

CONCLUSION:

Based on the foregoing, the application cannot be supported.

SR/sr
94-19



Legend

Proposed change in zoning from "AA" (Agricultural) District to:

BLOCK 1		"C" (Urban Protected Residential, etc.) District.
BLOCKS 2 and 4		"A" (Conservation, Open Space, Park and Recreation) District.
BLOCK 3		"R-4" (Small Lot Single-Family Dwelling) District.

APPENDIX "A"



Legend

Proposed Official Plan Amendment

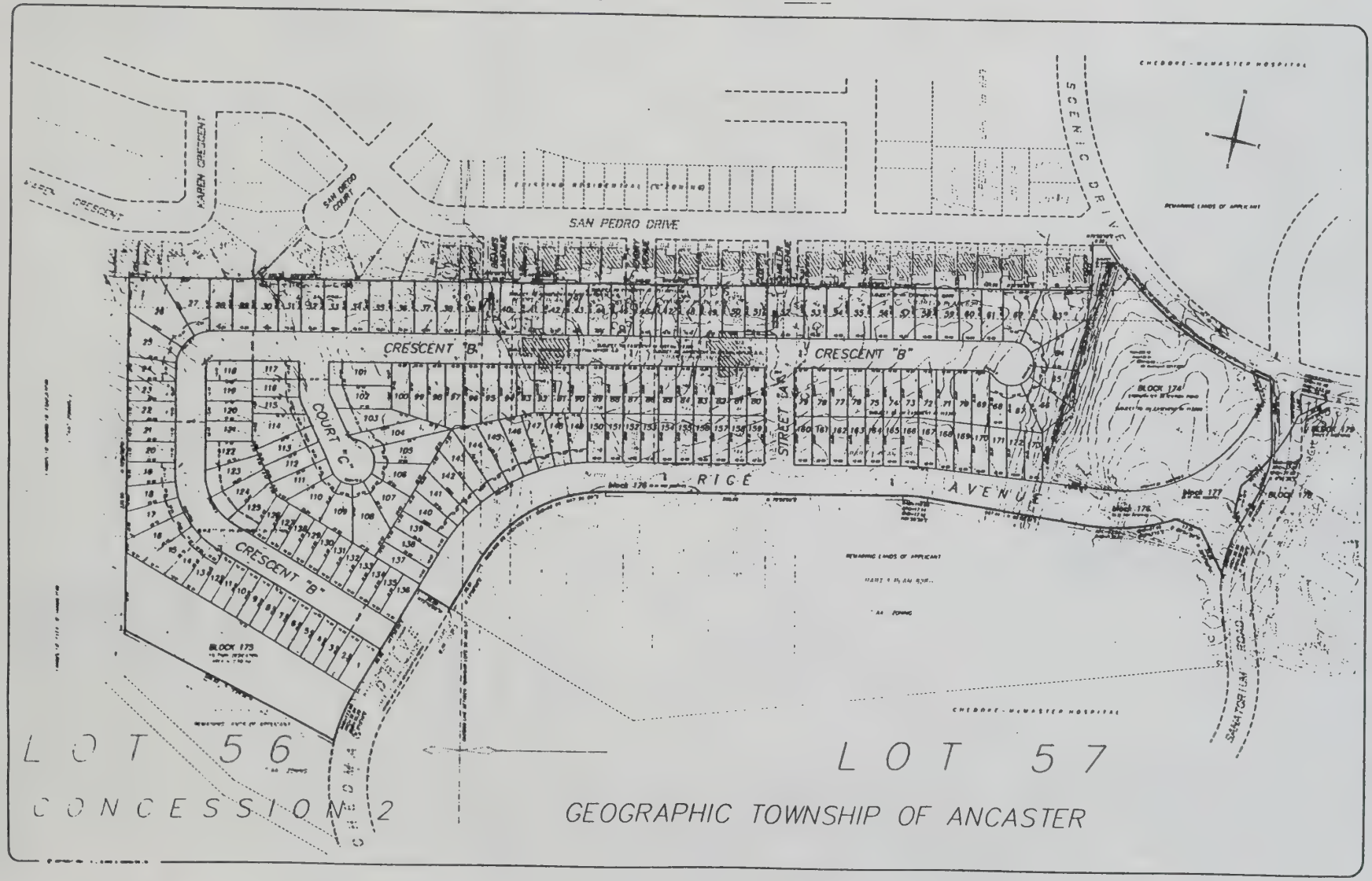
Change from "Major Institutional" to:

BLOCKS 1 and 3 — "RESIDENTIAL"

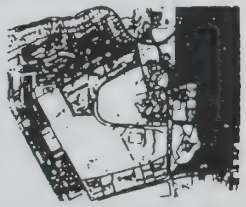
BLOCKS 2 and 4 — "OPEN SPACE"

ZAC-94-19

APPENDIX "B"



KEY PLAN



DRAFT PLAN OF

TIFFANY

BEING A PROPOSED SUBDIVISION OF

(LOTS 217 TO 224, 238 TO 243, 294 TO 301, 344 TO 351 (ALL INCLUSIVE) PART OF LOTS 225, 226, 293 AND PART OF BEAMES AVENUE, MCKAY AVENUE, MILLER AVENUE AND RESTON AVENUE

MOUNTAIN VIEW SURVEY - REGISTERED PLAN No. 575

PART OF LOTS 56 AND 57 - CONCESSION 2
GEOGRAPHIC TOWNSHIP OF ANCASTER

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

G. J. CLARKE O.L.S.
1994

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(17) THE PLANNING ACT

A SHOWN ON PLAN	G SHOWN ON PLAN
B SHOWN ON PLAN	H MUNICIPAL PIPED WATER AVAILABLE
C SHOWN ON PLAN	I O.P.T. LOAM
D SEE LAND USE SCHEDULE	J SHOWN ON PLAN
E SHOWN ON PLAN	K MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F SHOWN ON PLAN	L SHOWN ON PLAN

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

MAY 20, 1994 — DATE — G. J. CLARKE, ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

I/WE CHEDOKE HEALTH CORPORATION, BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL.

June 13, 1994 — DATE — SIGNATURE OF REGISTERED OWNER — SIGNATURE & AUTHORIZED SIGNING OFFICER

LAND USE SCHEDULE:

TOTAL AREA OF SUBDIVISION = 13.83 ha

LOTS 1 TO 13, 179 TO 236 ("R4" ZONING)	58 LOTS
LOTS 14 TO 178, 237 TO 313 ("C" ZONING)	147 LOTS
BLOCK 174 - PROPOSED RECREATION ZONE ("G" ZONING)	
BLOCK 175 - PROPOSED PARK (AREA = 0.99 ha)	
BLOCK 176 - TO BE DEVELOPED IN CONJUNCTION WITH ADJACENT LANDS	
BLOCKS 178 AND 177 - 0.3 m RESERVE (TYP.)	
BLOCK 179 - STREET WIDENING	

SUBDIVISION DRAFT APPROVAL:

APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

DATED THIS DAY OF , 1994

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW No. 188-79

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS

APPENDIX "C"

CITY OF HAMILTON

- RECOMMENDATION -

6.(b.)

DATE: August 10, 1995
(SAC-91-01)
Gershome Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Plan of Subdivision "Nash Acres"
(Regional File 25T-91002(R))

RECOMMENDATION:

A) That application SAC-91-01 (Regional File No. 25T-91002(R)), Owen Jackson et. al., owner, to establish a draft plan of subdivision "Nash Acres", for lands located at the northerly end of Derek Court, south of King Street East, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) The proposal conflicts with the general intent of the City of Hamilton Official Plan;

ii) The proposal conflicts with the general intent of the Hamilton-Wentworth Official Plan;

iii) The proposal conflicts with the general intent of the approved Gershome Neighbourhood Plan;

iv) The proposal does not comply with the City of Hamilton Zoning By-law No. 6593;

v) The proposal is considered to be premature pending the applicant demonstrating the suitability of the subject lands for development; and,

vi) The subject lands are located in the Red Hill Creek - King's Forest Environmentally Sensitive Area. In this regard, the proposal would negatively affect the ESA.

B) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Owen Jackson et al

Agent:

Peter Ashenhurst, O.L.S., Ashenhurst and Nowens Ltd.

Surveyor:

Peter Ashenhurst, O.L.S., Ashenhurst and Nowens Ltd.

Location:

The lands are located south of King Street East at the northerly limit of Derek Drive, in the Gershome Neighbourhood (APPENDIX "A").

Lot Size and Area:

The subject property is an irregular shaped parcel of land and has;

- a lot width ranging from approximately 45 m (147 ft) to 105 m (345 ft);

- a lot depth of 205 m (670 ft); and,
- a lot area of 1.30 hectares (3.2 acres).

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District
Surrounding Land Use		
to the north	Vacant	"AA" (Agricultural) District
to the south	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District, modified
to the east	Vacant	"AA" (Agricultural) District
to the west	Vacant	"AA" (Agricultural) District

SUBDIVISION PROPOSAL

The owner is proposing to subdivide the lands into 13 lots for single detached dwellings and two blocks for open space purposes (see APPENDIX "B").

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan:

The lands are identified as "Existing Development" in the "Urban Policy Areas" in the Hamilton-Wentworth Official Plan (HWOP). The lands are within the "Red Hill Creek - King's Forest" Environmentally Sensitive Area.

The proposal does not conform to the HWOP. The proposal conflicts with Section C.1.1 (Environmentally Significant Areas) policies.

City Of Hamilton Official Plan:

The subject lands are designated "Open Space" on Schedule "A" - Land Use Concept; "Hazard Lands" on Schedule "C"; and, "Environmentally Sensitive" on Schedule "D" - Environmentally Sensitive Areas. The proposal conflicts with the intent of the Official Plan. As such, an Official Plan Amendment would be required to permit the proposed development. As of August 10, 1995, the proponent has not made an application for an Official Plan Amendment.

Neighbourhood Plan:

The subject lands are designated partially "Single and Double Residential" and "Open Space" in the approved Gershome Neighbourhood Plan. The proposed development is contrary to the intent of the Neighbourhood Plan, which at the very most contemplated a small private road with a few houses.

Zoning:

The subject lands are zoned "AA" (Agricultural) District. The proposal conflicts with the Zoning By-law. Approval of the application would require a rezoning from the established "AA" District zoning to "C" (Urban Protected Residential, etc.) District. To date, an application for a change in zoning has not been received.

COMMENTS RECEIVED ON SUBDIVISION PROPOSAL:

The following agencies have no comment or objections to the proposal:

- Hamilton Wentworth Catholic Separate School Board; and,
- The Board of Education for the City of Hamilton

The Hamilton-Wentworth Roads Department has submitted the following comments and recommendations:

"For Information:

The Hamilton Street and Railway have commented that "this planned subdivision is beyond 400 metres from transit service" and that their Department have no further comment.

Our Transportation section notes that the revised draft plan does not meet the required

centreline to centreline alignment as stipulated in Recommendation 2, of our previous comments.

Recommendations:

1. The extension of Derek Drive to the north, indicated as Parts 3 and 4, on Plan 62R-9941, does not align centreline to centreline with the 20 metre Derek Road allowance to the south as established by plan 62M-538. There appears to be a 4 to 5 metre offset between the centreline of the roads.

   The revised Plan as submitted will require a number of reverse curves to be constructed in this very short section of road which is not desirable. The following are a number of options that the developer may undertake to resolve this matter:

   i) The draft plan and the proposed road shown on Plan 62R-9941 must be revised or realigned in order that the 20 metre road allowance of street "A" aligns centreline to centreline with the 20 metre road allowance for Derek Drive as established under Plan 62M-538. This can be accomplished by either a straight line extension of the existing 20 metre road allowance which will require the realignment of street "A" to the west or a satisfactory horizontal curve design between the 20 metre Derek Drive as established under Plan 62M-538 and street "A" on the revised proposed draft plan.

   ii) That the existing pavement on Derek Drive, south of the subject lands be removed and reconstructed in order that satisfactory horizontal curves can be constructed to properly align the proposed road between the existing Derek Drive road allowance which is 20 metres in width and Street "A" shown on the revised draft plan.

   iii) In order to assess the impact of these road works on the existing houses and driveways on Derek drive, our office requires that the applicant submit a survey plan outlining the position of all existing buildings and driveways related to the property line and existing face of curb on Derek Drive for Lots 46 to 53 (inclusive), Plan 62M-538. This is required to ensure that there are no driveway overlaps or conflicts.

2. That the owners satisfy all engineering and financial requirements of the City of Hamilton.

3. That the owners satisfy all engineering and financial requirements of the Regional Municipality of Hamilton-Wentworth. The Region will require easements over lands of the subdivider.

4. That a comprehensive storm water management and erosion control study be conducted at the expense of the subdivider for this development.

5. That the applicant submit a preliminary grading plan prior to final approval of the draft plan. The grading plan is to be based on the approved engineering drawings for the extension of Derek Drive.

6. That the applicants Professional Consulting Engineer provide a complete Geotechnical Report for soils and ground conditions in order to provide evidence that the engineered fill areas will have adequate stability.

The submitted plan, as prepared by John P. Nowens, O.L.S. and dated April 7, 1994, is deemed to be unsatisfactory to the Transportation/Environmental Services Group, Roads Department in its present form."

The Hamilton Region Conservation Authority has submitted the following comments and conditions:

"Approximately 60% of the subject property is located within a regulated area associated with the Red Hill Creek Valley system. As such, this area is subject to Ontario Regulation 151/90, the Fill, Construction and Alteration to Waterways Regulation of the Hamilton Region Conservation Authority. Any proposal to place or remove fill material, alter existing grades, erect a structure or alter a waterway within the regulated area will require a permit issued by this agency, pursuant to said regulation.

The top of bank has been surveyed and is illustrated on the draft plan of subdivision dated April 7, 1994. The Conservation Authority's Plan Review Guidelines recommend a minimum 7.62 metre (25 foot) setback from the top of bank for all structural development. Development of this property must adhere to this setback requirement. Authority staff request that the valley slope and associated setback be defined in the subdivision agreement and implementing zoning by-law for the property.

There are a number of mature trees on each of the proposed lots. Conservation Authority Plan Review Guidelines encourage minimal disturbance to treed areas and recommend that building envelopes be established to clearly identify areas for future development. Trees within the building envelope can be removed in advance of the development to pre-stress the surrounding trees. In this connection, a tree preservation and landscape plan should be prepared and implemented for the subject property.

The natural overland flow of stormwater is not concentrated in any particular location. The proposed development will add impervious surfaces and increase stormwater runoff. As such, a grading plan and a stormwater management plan should be developed that maintains the natural overland flow for the residential lots. Current provincial drainage and stormwater quantity and quality guidelines combined with Best Management

Practices should be utilized. The grading plan should utilize existing grades to the greatest degree possible.

The subject property is heavily vegetated with a variety of tree and shrub species. Placement of fill, grading, the removal of vegetation and the construction process may increase erosion and sedimentation on and off the subject property. As such, an erosion and sediment control plan should be prepared and implemented for this development to the satisfaction of the Hamilton-Region Conservation Authority.

To address concerns of large areas being stripped of vegetation and graded, Authority staff recommend that areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch. This requirement should be written into the subdivision agreement for this development and enforced by the Hamilton Region Conservation Authority and the City of Hamilton.

The subject property is located within the Red Hill Creek - King's Forest Environmentally Sensitive Area (E.S.A.). Both the Region of Hamilton-Wentworth and the City of Hamilton have designated the Red Hill Creek - King's Forest as environmentally sensitive. Development in this area may have a negative impact on the natural features of the E.S.A. and will be subject to the Environmental Policies of the Region of Hamilton-Wentworth and City of Hamilton Official Plans. Development of the subject property should be contingent on the results of the review of the Scoped Environmental Impact Statement prepared by Basciano O'Conner dated August 1994.

Based on the above, staff have no objection to the approval of the above noted subdivision subject to the following conditions:

1. That the applicant comply with the requirements of Ontario Regulation 151/90, the Fill, Construction and Alteration to Waterways Regulation of the Hamilton Region Conservation Authority.

2. That a minimum 7.62 metre (25 foot) setback from the surveyed top of bank for all structural development be maintained. Authority staff request that the valley slope and associated setback be defined in the subdivision agreement and implementing zoning by-law for the property.

3. That the applicant prepare and implement a tree preservation and landscape plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority.

4. That the applicant prepare and implement a stormwater management plan for the proposed development. The stormwater management plan should seek to maintain the natural overland flow for the residential lots. Current provincial drainage and

stormwater quantity and quality guidelines combined with Best Management Practises should be utilized.

5. That the applicant prepare and implement a grading plan for the proposed development. To maintain the natural features of the property, the grading plan should utilize existing grades to the greatest degree possible.

6. That the applicant prepare and implement an erosion and sediment control plan for the subject property.

7. That the approved erosion and sediment control plan be implemented prior to any vegetation removal, grading or construction on the subject property.

8. That the applicant comply with the environmental policies of the City of Hamilton and the Region of Hamilton-Wentworth. Development of the subject property should be contingent on the results of the review of the Scoped Environmental Impact Statement prepared by Basciano O'Conner dated August, 1994."

The Traffic Department has submitted the following comments:

"...please be advised that we have reviewed the above plan of subdivision and find it satisfactory."

The Building Department submitted the following comments:

"1. This areas has not yet been rezoned from AA. Therefore, we do not know the minimum lot widths and areas."

The Ministry of Environment and Energy and the Ministry of Natural Resources advised that they had no objection to the approval of the application subject to the applicant satisfying provincial water, sanitary sewer, storm water management and grading requirements. The Ministries comments are attached as APPENDICES "C" and "D".

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. Approval of the application would require an Official Plan Amendment to redesignate the subject lands from "Open Space" on Schedule "A" - Land Use Concept; "Hazard Lands" on Schedule "C"; and, "Environmentally Sensitive" on Schedule "D" - Environmentally Sensitive Areas to "Residential". The proposal conflicts with the intent of the Official Plan. As such, an Official Plan Amendment would be required to permit the proposed development. As of

August 10, 1995, the proponent has not made an application for an Official Plan Amendment.

In accordance with Section A.3.2 of the Official Plan, where development is proposed on or adjacent to an environmentally sensitive area, then the proponent will be required to prepare a Feasibility Study and Impact Analysis to demonstrate that development is feasible. As noted below, the proponent has submitted an environmental impact statement to the Environmentally Significant Areas Impact Evaluation Group (ESAIEG).

The proposed plan of subdivision has been reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG). ESAIEG reviewed the Scoped Environmentally Impact Study submitted by the applicant. ESAIEG, at its meeting of September 7, 1994, advised that the potential impacts of the proposed subdivision would be unacceptable for the following reasons:

i) removal of the vegetation on the site would be a significant direct impact on the Redhill Creek ESA given its significance as a large greenspace in an otherwise urban area; and,

ii) the proposed development would adversely affect the continuity of the existing natural areas within the ESA.

Planning Department staff have been advised that the ESA is significant because of its ecological functions as a corridor.

On the basis of the foregoing, Planning Department staff could not support a proposed official plan amendment to permit residential development on the subject lands.

2. The proposal conflicts with the general intent of the approved Gershome Neighbourhood Plan. The proposed development is contrary to the intent of the Neighbourhood Plan, which at the very most contemplated a small private road with very limited development, whereas the proposal is for 13 lots fronting onto a road constructed to full municipal standards.

3. The Roads Department has advised that the application is unsatisfactory. The Roads Department has advised that a complete Geotechnical Report for soils and ground conditions prepared by a Professional Consulting Engineer is required to provide evidence that the engineered fill areas will have adequate stability. In addition, the Roads Department advised that a survey plan outlining the position of all existing buildings and driveways related to the property line and existing face of curb on Derek Drive for Lots 46 to 53 (inclusive), Plan 62M-538 is required to ensure that there are no driveway overlaps or conflicts. In addition, a comprehensive storm water management and erosion control study, prepared by the applicant and submitted to the City for review and

approval, is required in order to assess the suitability of the subject lands for development and the effect of the proposed development on the adjacent ESA. The Roads Department further advised that a preliminary grading plan is required. In the absence of this information, the application is considered to be premature in that the proposed plan of subdivision does not comply with Section 51(24) of the Planning Act.

4. On the basis of the foregoing, the proposed plan of subdivision "Nash Acres" cannot be supported for the following reasons:

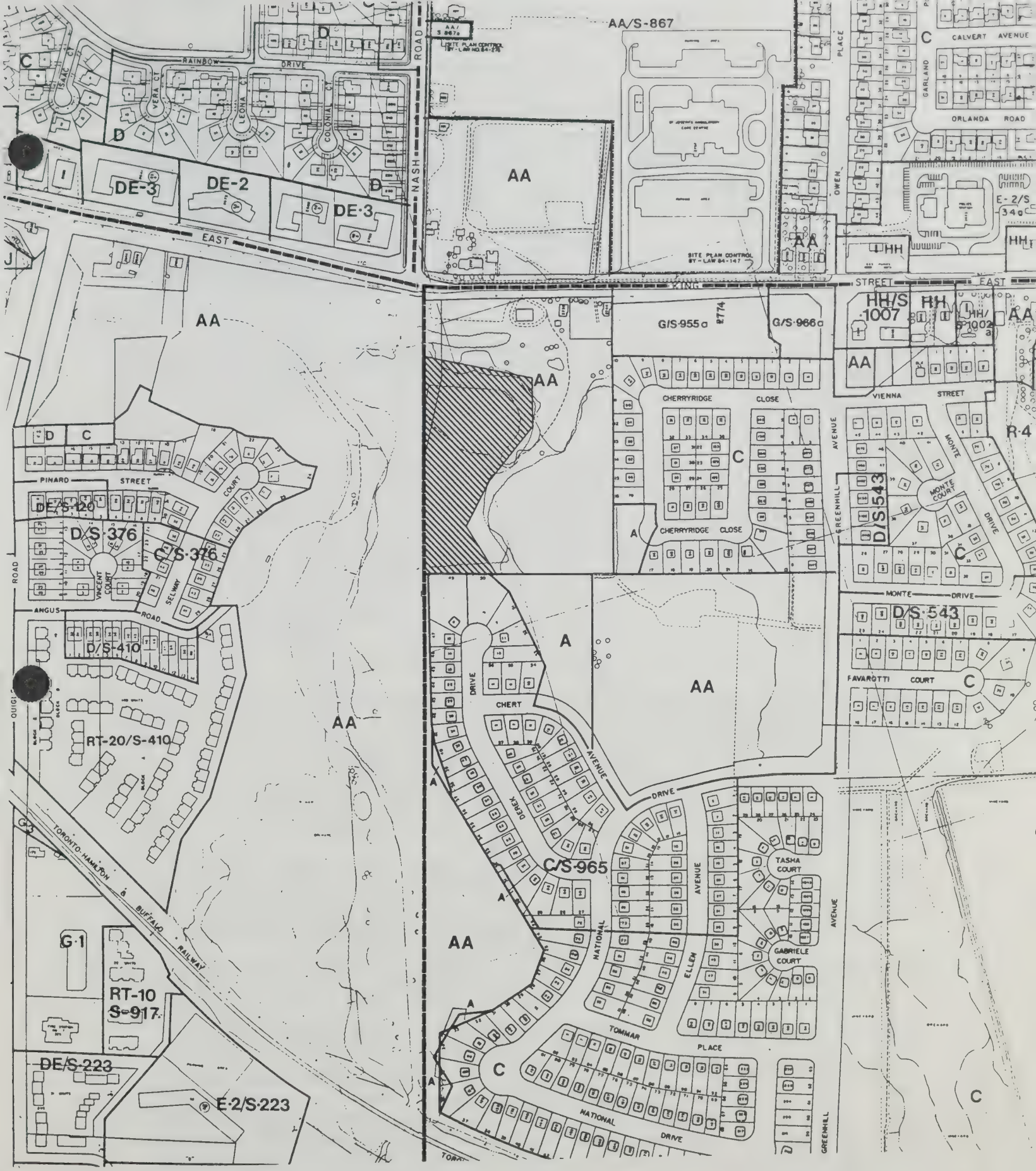
- it conflicts with the intent of the Official Plan;
- it conflicts with the intent of the approved Gershome Neighbourhood Plan; and
- the subject lands are partially located in an Environmentally Sensitive Area. ESAEIG has advised that removal of the vegetation on the site would be a significant direct impact on the Redhill Creek ESA given its significance as a large greenspace in an otherwise urban area. ESAIEG further advised that the proposed development would adversely affect the continuity of the existing natural areas within the ESA.

However, should the Committee consider the application favourably, then the matter should be referred back to Planning staff and that the applicant should be requested to prepare the necessary studies, including a geotechnical study and storm water management study, to demonstrate the suitability of the subject lands for residential development. Based on the results of these studies, if development can proceed then Planning staff will have to prepare the necessary conditions of draft plan approval for presentation to the Planning and Development Committee. In addition, the applicant should be required to submit an application for a change in zoning and amendment to the Official Plan. Furthermore, the applicant will be required to make an application for a Regional Official Plan Amendment which would have to be approved by the Region prior to the approval of any local official plan amendment and the proposed plan of subdivision.

CONCLUSION:

On the basis of the foregoing, the proposal cannot be supported.

SR
SAC-94-01

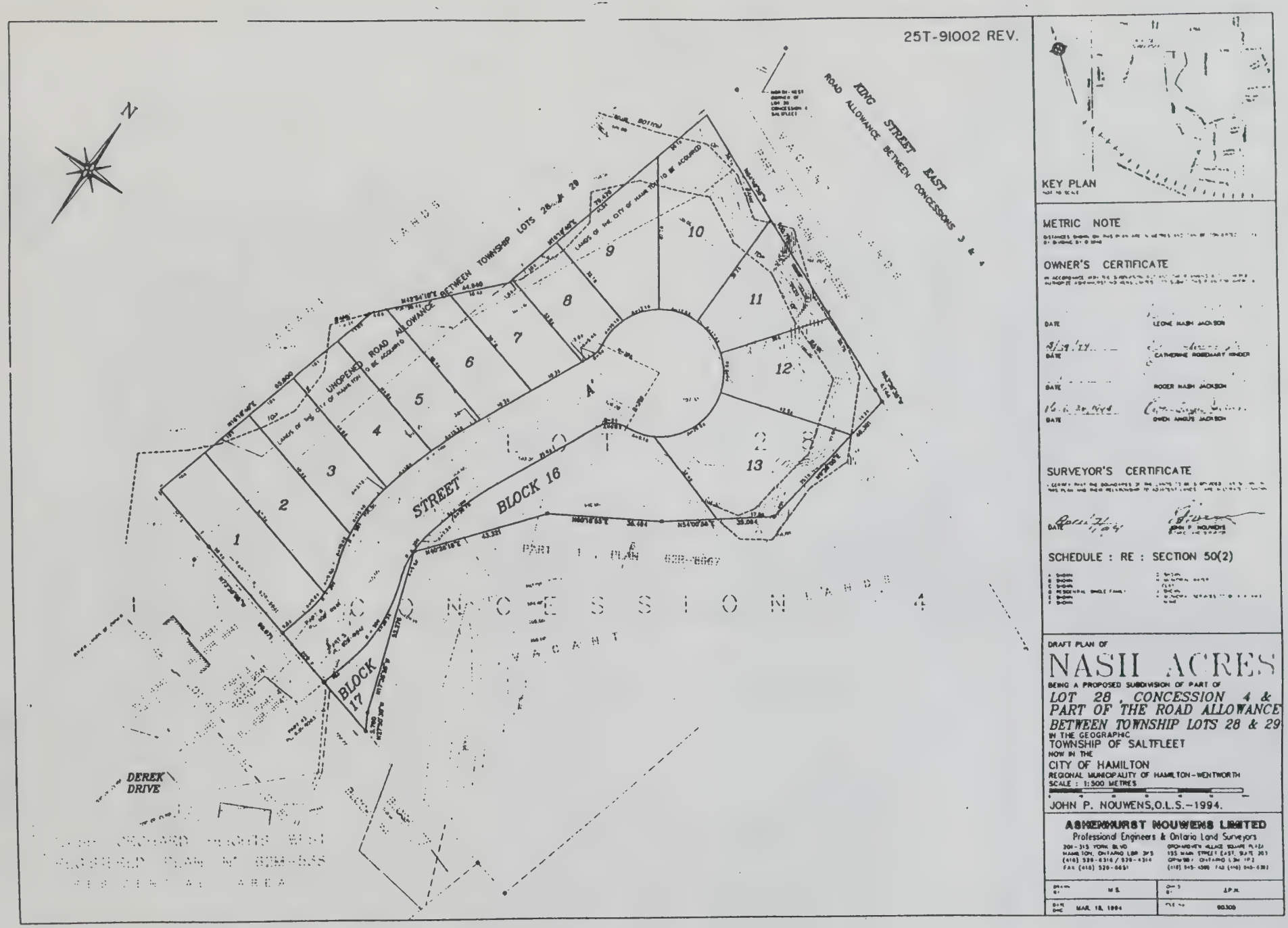


Legend

Site of the Application

SAC - 91 - 01

APPENDIX "A"


25T-91002 REV.
N
KING STREET EAST
ROAD ALLOWANCE BETWEEN CONCESSIONS 3 & 4
UNOPENED ROAD ALLOWANCE
STREET
BLOCK 16
BLOCK 17
A'
1
2
3
4
5
6
7
8
9
10
11
12
13
DEREK DRIVE
VACANT
KEY PLAN
METRIC NOTE
OWNER'S CERTIFICATE
LEONE NASH JACKSON
CATHERINE ROSEMARY KINDER
ROGER NASH JACKSON
OWEN ANGUS JACKSON
SURVEYOR'S CERTIFICATE
SCHEDULE : RE : SECTION 50(2)
DRAFT PLAN OF
NASH ACRES
BEING A PROPOSED SUBDIVISION OF PART OF
LOT 28 , CONCESSION 4 &
PART OF THE ROAD ALLOWANCE
BETWEEN TOWNSHIP LOTS 28 & 29
IN THE GEOGRAPHIC
TOWNSHIP OF SALTFLEET
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE : 1:500 METRES
JOHN P. NOUWENS,O.L.S.-1994.
ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors
MAR. 18, 1994
90309

APPENDIX "B"

Ontario

Ministry of Environment and Energy

Ministère de l'Environnement et de l'Énergie

119 King St W
12th floor – Box 2112
Hamilton ON L8N 3Z9

119 rue King ouest
12e étage – Casier 2112
Hamilton ON L8N 3Z9

REGIONAL PLANNING BRANCH
SUBDIVISION/CONDOMINIUM ADMINISTRATION SECTION
FILE NO. 25T-91002 (R)
DATE RECEIVED MAY 25 1994

TO:	INT.	ACT.	INFO.
DIRECTOR/ DIV. HEAD			
MANAGER			
STAFF	KL		

(N)

May 20, 1994

The Regional Municipality of Hamilton-Wentworth
Planning and Development Department
P.O. Box 910
Hamilton, Ontario
L8N 3V9

Attention: Lou Lanza, Manager

Dear Mr. Lanza:

RE: Draft Plan of Subdivision 25T-91002 (Revised)
Part Lot 28, Concession 4, and Part of Road Allowance between Lots 28 & 29
City of Hamilton
(Nash Acres)

The Ministry of Environment and Energy has reviewed the above noted proposal in terms of policies, goals, and objectives of this Ministry. The revised proposal is for 13 single family residential units (size of subject lands not indicated), within the City of Hamilton. Servicing requirements for the proposed draft plan of subdivision will be met by municipal water supply and sanitary service. The Ministry wishes to provide the following comments.

In light of the above facts, and in the absence of any evident potential for significant land use conflicts, I may advise you that the Ministry of Environment and Energy would have no objection to draft approval to Plan of Subdivision 25T-91002 (revised).

Additionally, for the proponent's information, we request that the following be added as "Notes to Draft Approval":

1. The proposed water distribution system meets the definition of a "water works" under the Ontario Water Resources Act; therefore, approval of the Director must be obtained under Section 52 of the Ontario Water Resources Act, R.S.O. 1990, prior to construction of the water supply system. The proponent must ensure that the application for Approval of Water Works, and appropriate supporting information are submitted to the Ministry of Environment and Energy.

APPENDIX "C"

2. The proposed stormwater management system meets the definition of a "sewage works" under the Ontario Water Resources Act; therefore, approval of the Director must be obtained under Section 53 of the Ontario Water Resources Act, R.S.O. 1990, prior to construction of the stormwater management system. The proponent must ensure that the application for Approval of Sewage Works, and appropriate supporting information are submitted to the Ministry of Environment and Energy.

3. The proposed sanitary sewage collection system meets the definition of a "sewage works" under the Ontario Water Resources Act; therefore, approval of the Director must be obtained under Section 53 of the Ontario Water Resources Act, R.S.O. 1990, prior to construction of the sanitary sewage collection system. The proponent must ensure that the application for Approval of Sewage Works, and appropriate supporting information are submitted to the Ministry of Environment and Energy.

Should you have any questions or concerns, please do not hesitate to contact me at (905) 546-8258.

Yours truly,

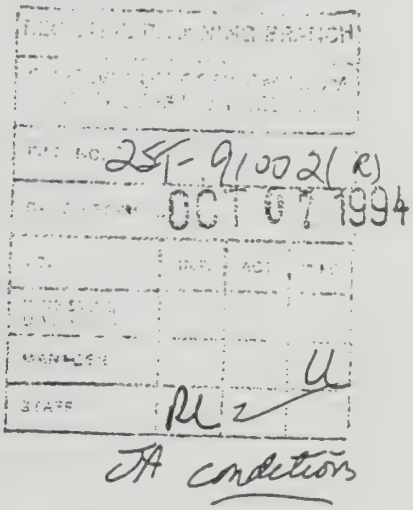
Brad Farnand

Brad Farnand
Environmental Planner
Approvals and Planning
West Central Region

Ontario

Ministry of Natural Resources
Ministère des Richesses naturelles
Fonthill Area Office
P.O. Box 1070
Fonthill, Ontario
L0S 1E0

Ref: 25T-91002(R)



October 5, 1994

Regional Municipality of Hamilton-Wentworth
Planning and Development Department
P.O. Box 910
Hamilton, Ontario
L8N 3V9

ATTENTION: L. Lanza

Dear Sirs:

SUBJECT: Revised Plan of Subdivision
Nash Acres - Owen Jackson (owner)
Part lot 28, Concession 4 and part of
Road Allowance betwn lots 28 & 29 (Saltfleet)
City of Hamilton

Staff of the Ministry of Natural Resources have now reviewed the above revised plan, dated March 18, 1994. There is a tributary to Red Hill Creek in the area, which appears to flow through an easement surrounding the subject lands. We support the retention of the watercourse as an open channel, and would encourage the naturalization and revegetation of the channel area, if at all possible, to improve both water quality treatment and aesthetics.

We assume that servicing for this site will be tying into existing services in the area. As such, and considering the size of the site, we would expect that opportunities to provide stormwater quality control facilities would be limited. However, Best Management Practices, including soft measures such as disconnected roof leaders and the use of grassed swales, should be examined for feasibility to provide some level of stormwater quality treatment. 'Treatment' refers to the use of appropriate Best Management Practices to provide some form (or forms) of water quality abatement usually accomplished by allowing stormwater run-off to infiltrate into the ground or through temporary stormwater detention or retention that would allow some settling of suspended solids and associated contaminants, prior to release.

Accordingly, the Ministry of Natural Resources would not object to draft approval, subject to the following conditions:

1) Prior to final registration of the plan of subdivision, or any on site grading, the Ministry of Natural Resources must have reviewed and approved the following reports describing:

   (a) the manner in which stormwater will be conveyed from the site, including stormwater management techniques in accordance with the current provincial drainage and stormwater quantity and quality guidelines;

...2

APPENDIX "D"

(b) appropriate Best Management Practices (BMPs) to be used to treat stormwater, to ensure no negative impact on the quality and quantity of ground and surface water resources as it relates to fish and their habitat;

(c) the means whereby erosion and sediment and their effects will be minimized on-site during and after construction, in accordance with the most current provincial guidelines on erosion and sediment control. This plan, designed and stamped by a registered professional engineer is to outline all actions to be taken to prevent erosion and sedimentation, and must present information on site conditions including grain size distribution profiles and infiltration characteristices; and,

(d) site grading plans.

2) That the owner agree in the subdivision agreement, in wording acceptable to the Ministry of Natural Resources:

(a) to carry out or cause to be carried out the works referred to in condition 1 above, to the satisfaction of the Ministry of Natural Resources; and,

(b) to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Ministry of Natural Resources.

Please advise us of your decision. Should you have any questions or wish to discuss any of these comments in more detail, please contact Kathleen Armstrong of this office.

Yours sincerely,

Armstrong

F. Barbetti
A/Area Supervisor
Niagara North
(905) 892-2656

KArmstrong/ka

cc. Hamilton Region Conservation Authority
City of Hamilton

:25T91002.H

6. (c.)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: August 16, 1995
CDM-94-01
Durand Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: FOR V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Condominium by Herman Turkstra
"Hereford House" - 13-15 Bold Street

RECOMMENDATION:

(1) That approval be given to application CDM-94-01 (Regional File 25CDM-94004), Herman Turkstra, owner, to establish a draft plan of condominium "Hereford House", located at 13-15 Bold Street, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:

i) That this approval apply to the plan prepared by A.J. Clark and Associates and certified by B. J. Clarke, O.L.S., dated June 13, 1994, as revised in red on APPENDIX "B", showing a total of 11 commercial units; and,

ii) That the Condominium Corporation enter into a Boulevard Parking Agreement in respect of its paving Bold Street to provide parking spaces.

(2) That the approved Durand Neighbourhood Plan be amended to change the designation of the subject lands from "Medium Density Apartments" to "Commercial".

(3) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Herman Turkstra, owner.

Agent:

Paul Mazza, Turkstra, Mazza, Shinehoft, Mihailovich Associates.

Surveyor:

B. J. Clarke, O.L.S., A.J. Clarke and Associates Ltd.

Location:

The lands, known municipally as 13-15 Bold Street, comprising 0.07 ha, are located between McNab Street and James Street South in the Durand Neighbourhood (see APPENDIX "A").

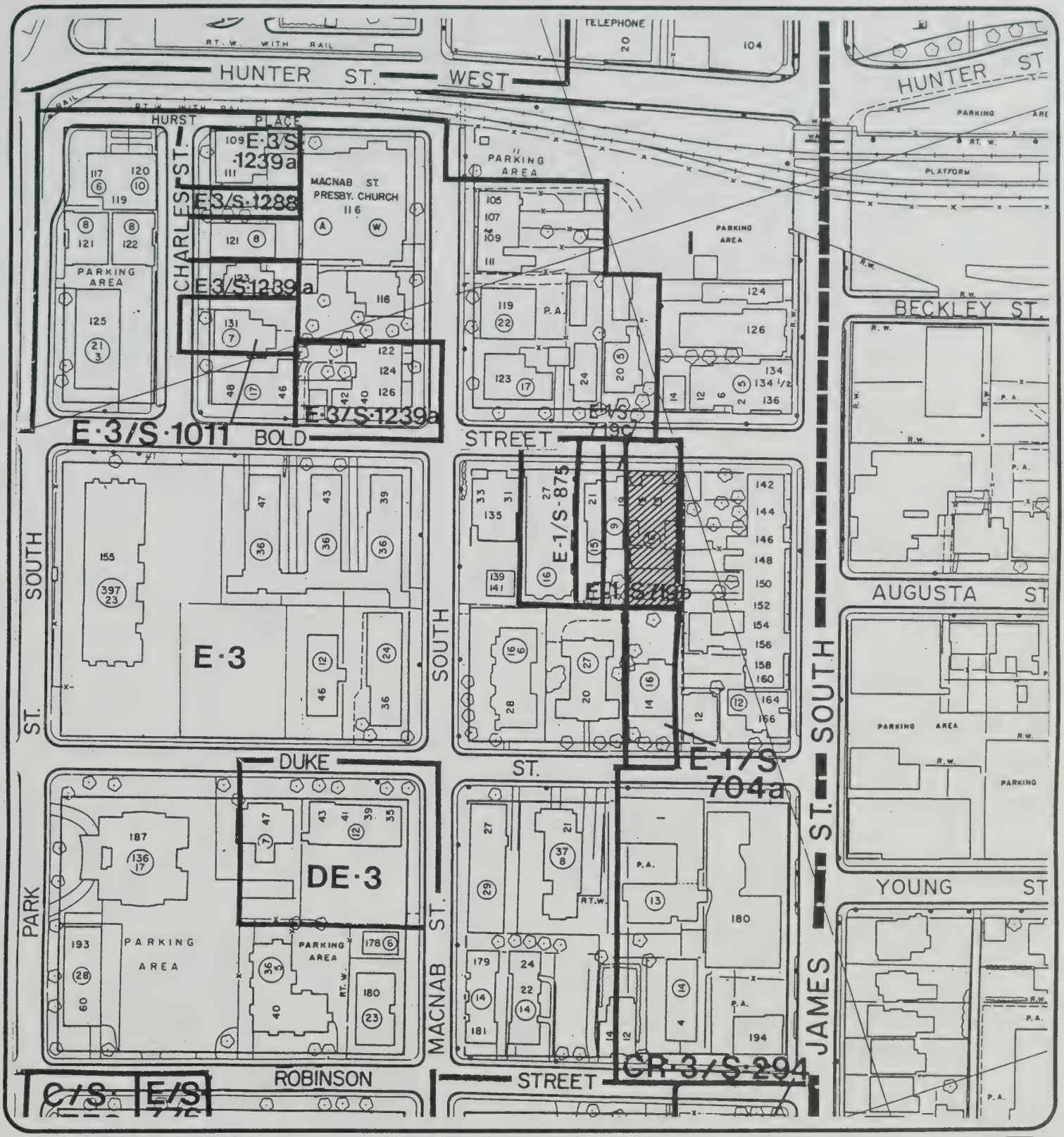
Proposal:

The owner is proposing to register a Plan of Condominium to create 11 commercial units within the existing building (see APPENDIX "B").

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Regional Centre" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.



City of Hamilton

Key Map

13 - 15 BOLD STREET

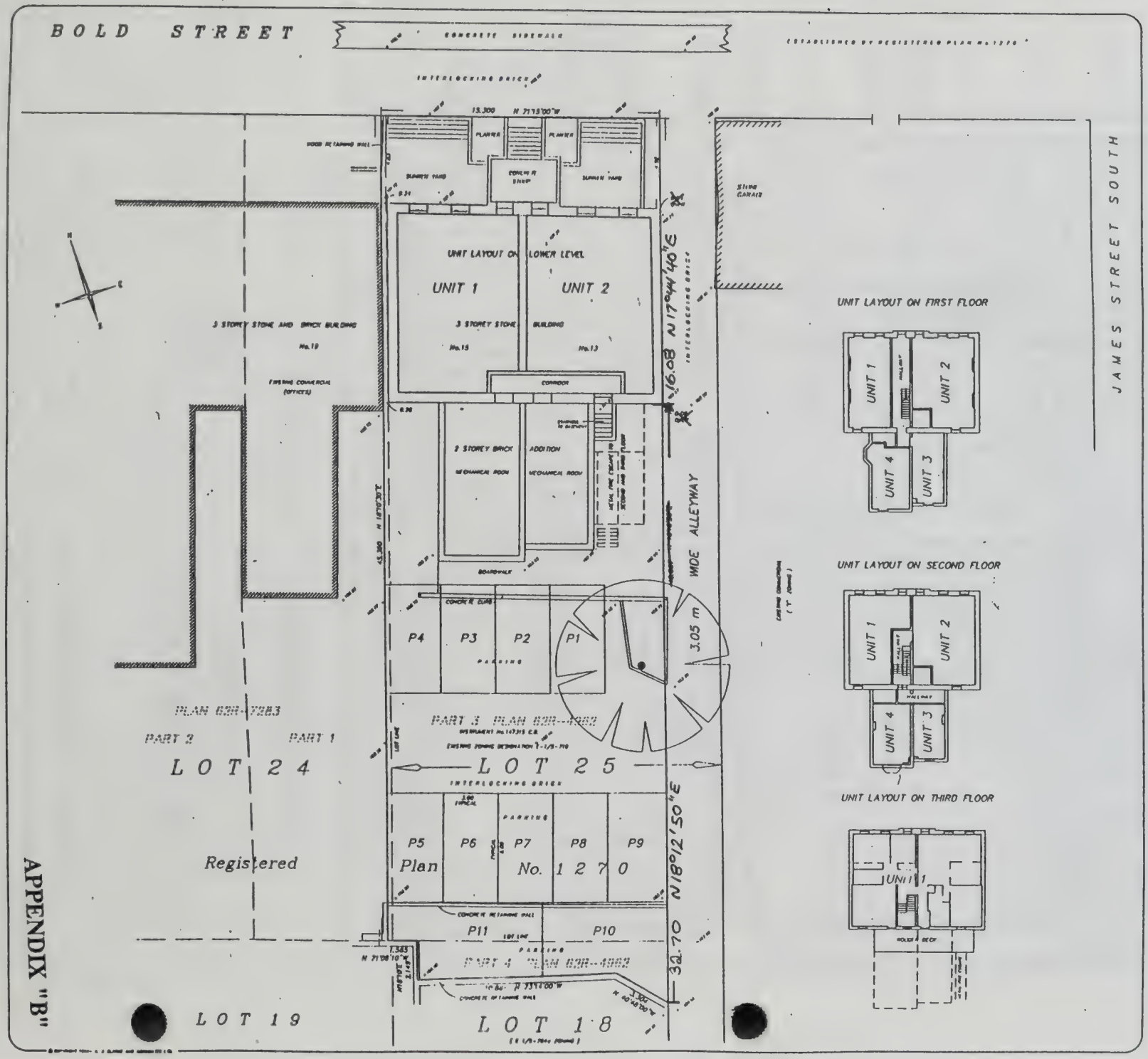
Planning and Development Department

Legend

Location of Subject Lands

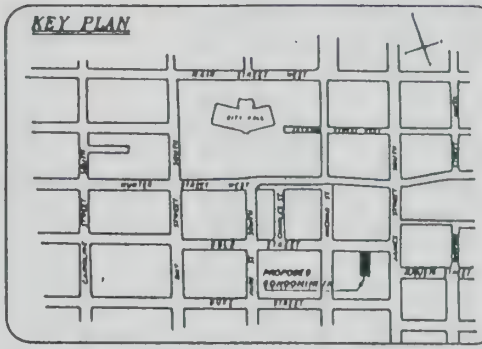
North	Scale	Reference File No.
	Not to Scale	CDM - 94 - 01
	Date	Drawn By
	AUGUST 1995	Z.K.

APPENDIX A



APPENDIX "B"

KEY PLAN



DRAFT PLAN OF

HEREFORD HOUSE

BEING A PROPOSED CONDOMINIUM OF

PART OF LOTS 18, 24 AND 25 – P.H. HAMILTON SURVEY
REGISTERED PLAN No. 1270

IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:100

B. J. CLARKE O.L.S.
1994

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(17) THE PLANNING ACT

A. SHOWN ON PLAN	G. SHOWN ON PLAN
B. SHOWN ON PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
C. SHOWN ON PLAN	I. CLAY LOAM
D. SEE LAND USE SCHEDULE	J. SHOWN ON PLAN
E. SHOWN ON PLAN	K. MUNICIPAL SERVICES PREVIOUSLY INSTALLED
F. SHOWN ON PLAN	L. NONE

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

JUNE 13, 1994 — DATE

B. J. CLARKE
ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

I, HERMAN TURKSTRA, BEING THE REGISTERED OWNER OF THE SUBJECT LANDS HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL.

AUGUST 16, 1994 — DATE

HERMAN TURKSTRA

LAND USE SCHEDULE:

AREA OF SITE = 723.69 m2

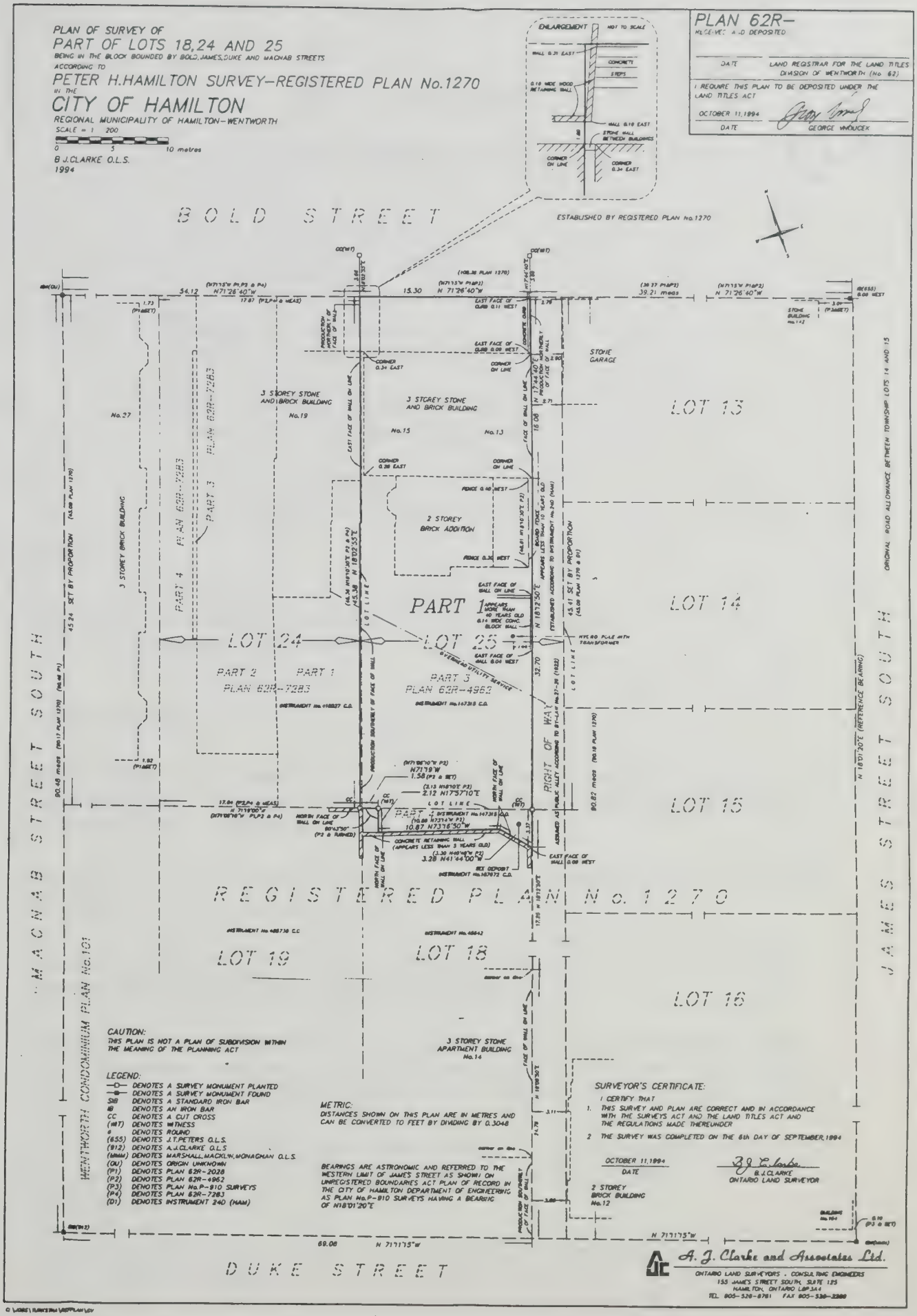
PROPOSED	11 UNITS
PROPOSED	11 PARKING SPACES

CONDOMINIUM DRAFT APPROVAL:

SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED ..... 1994 THIS DRAFT IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT AND SECTION 50 OF THE CONDOMINIUM ACT THIS DAY OF , 1994.

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW No. 88-171

A. J. Clarke & Associates Ltd.
ONTARIO LAND SURVEYORS . CONSULTING ENGINEERS


PLAN OF SURVEY OF
PART OF LOTS 18, 24 AND 25
BEING IN THE BLOCK BOUNDED BY BOLD, JAMES, DUKE AND MACNAB STREETS
ACCORDING TO
PETER H. HAMILTON SURVEY – REGISTERED PLAN No. 1270
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON – WENTWORTH
SCALE = 1 : 200
0 5 10 metres
B.J. CLARKE O.L.S.
1994
PLAN 62R–
RECEIVED AND DEPOSITED
DATE
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT
OCTOBER 11, 1994
DATE
GEORGE VINOUCEK
ENLARGEMENT NOT TO SCALE
BOLD STREET
ESTABLISHED BY REGISTERED PLAN No. 1270
MACNAB STREET SOUTH
JAMES STREET SOUTH
DUKE STREET
WENTWORTH CONDOMINIUM PLAN No. 101
REGISTERED PLAN No. 1270
ORIGINAL ROAD allowance BETWEEN TOWNSHIP LOTS 14 AND 15
LOT 13
LOT 14
LOT 15
LOT 16
LOT 18
LOT 19
LOT 24
LOT 25
PART 1
PART 2 PLAN 62R-7283
PART 3 PLAN 62R-4962
PART 4 PLAN 62R-7283
RIGHT OF WAY
3 STOREY STONE AND BRICK BUILDING No. 19
3 STOREY STONE AND BRICK BUILDING No. 15
No. 13
No. 27
2 STOREY BRICK ADDITION
STONE GARAGE
3 STOREY STONE APARTMENT BUILDING No. 14
2 STOREY BRICK BUILDING No. 12
3 STOREY BRICK BUILDING
CAUTION:
THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT
LEGEND:
DENOTES A SURVEY MONUMENT PLANTED
DENOTES A SURVEY MONUMENT FOUND
SIB DENOTES A STANDARD IRON BAR
IB DENOTES AN IRON BAR
CC DENOTES A CUT CROSS
(WIT) DENOTES WITNESS
DENOTES ROUND
(655) DENOTES J.T. PETERS O.L.S.
(912) DENOTES A.J. CLARKE O.L.S.
(MMM) DENOTES MARSHALL, MACKLIN, MONAGHAN O.L.S.
(OU) DENOTES ORIGIN UNKNOWN
(P1) DENOTES PLAN 62R-2028
(P2) DENOTES PLAN 62R-4962
(P3) DENOTES PLAN No. P-910 SURVEYS
(P4) DENOTES PLAN 62R-7283
(D1) DENOTES INSTRUMENT 240 (HAM)
METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
BEARINGS ARE ASTRONOMIC AND REFERRED TO THE WESTERN LIMIT OF JAMES STREET AS SHOWN ON UNREGISTERED BOUNDARIES ACT PLAN OF RECORD IN THE CITY OF HAMILTON DEPARTMENT OF ENGINEERING AS PLAN No. P-910 SURVEYS HAVING A BEARING OF N18°01'20"E
SURVEYOR'S CERTIFICATE:
I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
2 THE SURVEY WAS COMPLETED ON THE 6th DAY OF SEPTEMBER, 1994
OCTOBER 11, 1994
DATE
B.J. CLARKE
ONTARIO LAND SURVEYOR
A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS
155 JAMES STREET SOUTH, SUITE 125
HAMILTON, ONTARIO L8P 3A4
TEL. 905-528-8761 FAX 905-330-3280

APPENDIX "C"

6.(d.)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 August 14
(CDM-CONV-95-004)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT:

Proposed Draft Plan of Condominium by Sachetta Investments Limited -
41-43 Albert Street, Blakeley Neighbourhood

RECOMMENDATIONS:

That approval be given to application CDM-CONV-95-004, Sachetta Investments Limited, owner, to establish a draft plan of condominium at 41-43 Albert Street, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:

1. This approval applies to the plan prepared by B.J. Clarke O.L.S. dated March 23, 1995, showing a total of 12 residential units;

2. The owner shall submit revised plans showing the floor plans, including the units and common areas, with dimensions for the subject property;

3. The owner submit an application to the City for the City to pass a by-law to close and sell at fair market value that portion of the road allowance occupied by the applicant's building, receiving City approval to their Offer to Purchase and completing the purchase;

4. The owner receive the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-004);

5. That the property be redesignated on the approved Blakeley Neighbourhood Plan from "Single and Double Residential" to "Low Density Apartments";

6. The owner satisfy all conditions, financial and otherwise, of the City of Hamilton.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner -

Sachetta Investments Limited, Hamilton, Ontario

Surveyor -

B.J. Clarke, O.L.S., Hamilton, Ontario

Location -

The lands known municipally as 41-43 Albert Street, comprising 0.04 ha, are located on the north west corner of Albert Street and Maplewood Avenue.

Proposal -

The owner proposes to convert an existing rental apartment building containing 12 units on 3 floors to condominium status.

Existing Development Controls -

Hamilton-Wentworth Official Plan - The lands are identified as "Existing Development" within the "Urban Policies Area". The proposal complies.

City of Hamilton Official Plan - According to Schedule "A", the lands are designated "Residential". The proposed use is consistent with the Official Plan.

City of Hamilton Zoning By-law - The lands are zoned "D" (One and Two Family Dwellings, etc.) District. The Building Department has advised the permitted use on the site is legally non-conforming to the Zoning By-law.

Neighbourhood Plan - The lands are designated "Single and Double" Residential on the approved Blakeley Neighbourhood Plan.

Rental Housing Protection Act - Application CD-95-004 was approved by Council on June 14, 1995 subject to several conditions. The recommendation of draft approval status of the Plan of Condominium is conditional upon the applicant securing the Certificate of Approval.

Comments from Circulation -

The following agencies had no comments or objection toward the proposal:

Ontario Hydro;
Hamilton Hydro;
Union Gas;
Bell Canada; and,
Traffic Department.

The Hamilton-Wentworth Roads Department has submitted the following comments and recommendations:

"Information:

1. A municipal combined storm and sanitary sewer is available to service this site provided that population density or storm run-off does not increase for this site.

2. The proposed condominium conversion development can be serviced for water from the existing watermains on Albert Street and Maplewood Avenue.

3. The Transportation Division of our department have advised since this development is not adjacent to a Regional road they have comment.

4. There will be no Regional share for this development.

5. That the H.S.R. have stated they have no comment.

Recommendations:

1. That the owner, Sachetta Investments Limited, enter into an encroachment agreement with the Region, to the satisfaction of the Roads Department."

The City of Hamilton Building Department has submitted the following comments:

"The use is recognized as a legal non-conforming twelve (12) unit multiple dwelling with no parking."

COMMENTS:

1. The applicant wishes to convert 12 existing rental apartment units to 12 condominium apartment units on the subject property. To complete this process, the applicant must first acquire approval from the City to remove the units from the rental market pursuant to the Rental Housing Protection Act, and then acquire the City's approval under the Condominium Act for the legal division of the property. This report addresses the approval under the Condominium Act.

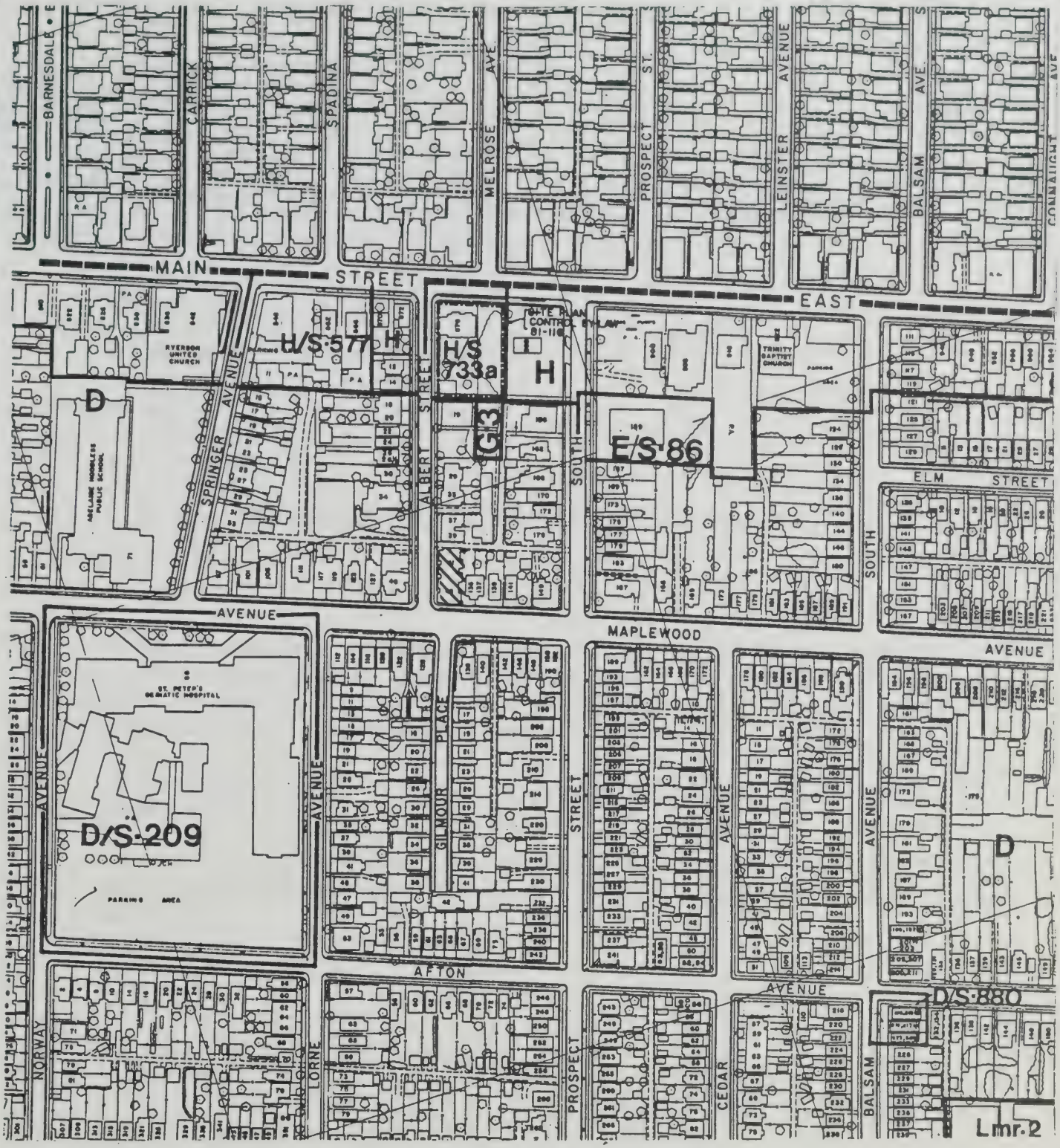
2. On June 14, 1995, Council approved application CD-95-004 under the Rental Housing Protection Act to remove the units from the rental market subject to certain conditions being incorporated in a registered agreement on title. Upon registration of this agreement, the City will issue a "Certificate of Approval" to indicate the completion of this part of the conversion process. To date, the agreement has not been registered and therefore the Certificate of Approval has not been issued. As a condition of draft approval of this condominium application, the applicant will have to provide proof that the Certificate of Approval has been acquired.

3. Regarding the comment from the Regional Roads Department concerning the building's encroachment into the road allowance, the City Law Department has advised that "the portion of the applicant's building which encroaches is resting upon a City highway and accordingly that portion of the building cannot be approved or registered as part of the proposed condominium belonging to the applicant - as long as the highway remains owned by the City. Simply stated, a person cannot register another person's land as part of their condominium." Accordingly, the current owner of the building must purchase that portion of the road allowance in which the building encroaches from the City of Hamilton prior to registration of the plan of condominium. This has been included as a condition of draft approval.

CONCLUSION:

On the basis of the foregoing, the draft plan of condominium can be supported, subject to the conditions outlined above.

MLT/



City of Hamilton

Key Map

41 - 43 Albert Street

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM- CONV-95-004
	Date	Drawn By
	APRIL 1995	W. B.

HAMILTON & DISTRICT HOME BUILDERS ASSOCIATION

A member of the Canadian Home Builders' Association

1112 Rymal Rd. E., (Corner of Upper Ottawa)
Hannon P.O. Box 188, Hamilton, Ontario L0R 1P0 Tel. 575-3344

7.

August 17, 1995

Ms. Stella Glover
Secretary, Planning and Development Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Re: HHHBA Delegation at Planning and Development Committee

Dear Ms. Glover:

Further to my telephone conversation of August 17, 1995, with Susan Reeder confirming that the Hamilton-Halton Home Builders' Association is registered as a delegation at the next Planning and Development Committee meeting on August 23, 1995, please find enclosed a report prepared by us regarding Stormwater Management policy in the City of Hamilton.

I request you to circulate the report to members of the Committee prior to the meeting so that they are familiar with the issues.

Thank you for your co-operation in this matter. If you require additional information or clarification regarding the above, please do not hesitate to contact me at 528-8761 or Dan Condon at the HHHBA office.

Yours very truly,

Ardeshir J. Irani

Adi Irani, P.Eng.
Hamilton-Halton Home Builders' Association

Encl.
AJI/wp

cop: - Dan Condon

HAMILTON & DISTRICT HOME BUILDERS ASSOCIATION

A member of the Canadian Home Builders' Association

1112 Rymal Rd. E., (Corner of Upper Ottawa)
Hannon P.O. Box 188, Hamilton, Ontario L0R 1P0 Tel. 575-3344

REPORT

To: Chairman and Members
Planning and Development Committee
City of Hamilton

From: Hamilton Halton Home Builders' Association

Date: August 10, 1995

Re: Stormwater management policy for the City of Hamilton

Background

Stormwater management has been a household word for any person involved in the land development business since the late 1970s-early 1980s. Every municipality in Ontario has developed a policy for managing storm runoff in an effort to protect its natural creek and open space system. Since November 28, 1994, storm water management has become an even more important issue with the enactment of Bill 163, the Ontario Planning and Development Act. Together with revisions to the Planning Act, the Province also published a comprehensive set of policy statements - of which the first policy statement A1.1 dealt with Water Quality and Quantity, under A: Natural Heritage, Environmental Protection and Hazard Policies. Goal A1 states:

> *To protect the quality and integrity of ecosystems, including air, water, land and biota; and where quality and quantity have been diminished, to encourage restoration and remediation to healthy conditions.*

The first sentence in Policy Statement A1.1 requires that:

> *Development may be pernitted only if the quantity and quality of ground water and surface water are protected.*

The new planning legislation also included a change that requires a municipality's plans '***be consistent with***' Provincial policy statements. This requirement does not give the municipality the flexibility of dealing with issues at the local level or to make compromises to balance the needs of local agencies and the community. The municipality now has to change the way it carries out business to be consistent with the Provincial policies.

The situation in Hamilton

Hamilton has been unique in its approach to storm drainage in the past - due mainly to its geographic and physical location on Lake Ontario. The lower City drains mainly into Hamilton Harbour while the rest of the City drains into three creek systems, namely: Red Hill Creek, Chedoke Creek and Twenty Mile Creek. A small area at the west end of the City drains into Ancaster Creek.

Development of Hamilton Mountain was facilitated by the construction of the Red Hill Creek Trunk storm system which was a project undertaken by the Ontario Land Corporation and the City of Hamilton/Region of Hamilton Wentworth in the early 1970s. This trunk system provided services for most of the new neighbourhoods on the Mountain that have been developed since 1970, and consists of an 18' x 15' concrete box storm sewer from just east of Upper Ottawa, then westerly across the length of the Mountain to Upper Wentworth Street before it is downsized to smaller sub-trunks.

Storm drainage policies in Hamilton

The management of storm water in the City of Hamilton is governed by By-Law No. 80-245 respecting Land Drainage which was enacted by Council on September 9, 1980. Section 6 of the original by-law required that all drainage from roof water leaders of all structures be connected directly to storm sewers, where available. The by-law was amended several times over the past 15 years to respond to the communities needs and problems.

Early in 1988, the by-law was amended to allow the option of discharging roofwater downspouts on to the ground. It was also in 1988 that a Task Force on Lot Grading was formed to investigate lot grading policies and to deal with the growing lot drainage problem in the City. Unfortunately, before the Task Force completed its work, the policy on allowing the option of discharging roof water on the ground was reversed and all roofs were required to be connected to storm sewers, again. In 1993, Section 6 was amended so that it applied only to single and semi-detached dwellings, with multiple dwellings and other buildings having the option.

Since 1989, as a result of the work of the Task Force on Lot Grading, all new subdivisions have been subject to stringent lot grading requirements - including the policy of having the grading completed and certified by a Professional Engineer within six months of insulation inspection of the dwelling. The complaints of faulty lot grading have been dramatically reduced in the subdivisions that are subject to the new requirements, and the Building Department that administers the grading policy reports that compliance with the policy is extremely good.

New MOEE and MNR Requirements

The Ministry of the Environment and Energy (MOEE), now requires that any new development in the City of Hamilton adhere to the *Stormwater Management Practices, Planning and Design Manual, June 1994*. The Ministry of Natural Resources (MNR), has expressed the same requirements for storm water in the City. Besides imposing this requirement on new development, the construction of any of the arterial roads in Hamilton, as well as new storm sewer systems will also be subject to the same criteria.

The criteria requires that stormwater quantity and quality be addressed. One of the ways suggested is controlling the storm run-off at source - i.e. at the house. It has been an accepted practice in all Stormwater Management Plans that roof water be allowed to drain on to the ground instead of draining directly into the storm sewer. In fact, all the other area municipalities in this Region prohibit the connection of roofwater leaders from new dwellings to the storm sewers. Further, in the Regions of Hamilton-Wentworth, Halton, Niagara, Peel, Kitchener-Waterloo and Haldimand-Norfolk, we do not know of any other municipality that still allows roofwater leaders to be connected to the storm sewers.

The reasoning behind it is quite simple - by allowing the water to flow on to grass, infiltration is encouraged and the runoff is slowed down so that erosion impacts downstream of the site due to increased runoff are decreased. With improved lot grading control being imposed on all new developments, the problem associated with standing water on the lots is minimized and residents in new communities have accepted the practice of discharging roof water on to the ground.

Together with the Region, we have met with members of the MOEE and the MNR and the Hamilton Region Conservation Authority, in order to clarify their requirements. As a result of these meetings, we will be working with Regional staff to arrive at a solution to this situation. However, the first step in having the City of Hamilton be consistent with Provincial Policies would be to have the City By-Law No. 80-245 amended to allow all dwellings and buildings to discharge roofwater leaders on to the ground.

Conclusions

A change in the traditional manner of handling stormwater in the City of Hamilton is essential to sustain the progress achieved by the Hamilton Harbour RAP and to be consistent with not only Provincial policy but also the Region's Official Plan - Towards a Sustainable Region and its Vision 2020 goals.

The Hamilton Halton Home Builders' Association recommends that the Planning and Development Committee instruct the City of Hamilton Legal Department to amend Section 6 of By-Law No. 80-245 to require the roofs of all new construction in the City of Hamilton to discharge storm runoff on to the ground.

Respectfully submitted.

Adi Irani, P.Eng.
Hamilton Halton Home Builders' Association

Sergio Manchia
Chairman, Development Council
Hamilton Halton Home Builders' Association

8.(a.)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 August 11

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Betty Carter, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: **Heritage Funding Programs**

RECOMMENDATION:

That a letter be sent to Premier Mike Harris and The Honourable Marilyn Mushinski, Minister of Citizenship, Culture and Recreation, strongly supporting the continuation under MCCR of the Heritage Funding programs which had formerly been transferred to jobsOntario, with copies being sent to area MPP's.

Betty Carter

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

A major incentive for architectural conservation in the Province of Ontario has been the Cultural Facilities Improvement Program (C.F.I.P), introduced in the 1980s. It was merged by the former NDP government with a number of other programs under jobsOntario Community Action, in its third year of operation when the Conservatives came into power. All expenditures are currently frozen, pending a comprehensive review by the new provincial government.

c.c. V. J. Abraham, Director of Local Planning
N. Chapple, Architectural Historian, Planning Department
Karen Daniels, Culture Consultant, MCCR Hamilton Office

8. (b.)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 August 11

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Betty Carter, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: **Victoria Hall, 68 King Street East**
Owner's Request for De-designation

RECOMMENDATION:

That, in view of the architectural/historical significance of Victoria Hall and its recent recognition as a National Historic Site by the Historic Sites and Monuments Board of Canada, and the critical importance of maintaining the continuous frontage of the Gore Park streetscape, the owner's request for de-designation (under the provisions of the Ontario Heritage Act) be denied.

Betty Carter

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Notice was received 1995 August 10 that the Historic Sites and Monuments Board of Canada has recognized Victoria Hall as a National Historic Site, based on its rare sheet-metal facade.

Realtor Jack Harvey appeared before the Planning and Development Committee at its meeting held 1995 July 5, to request the de-designation of Victoria Hall, in order to allow a Demolition Permit to be issued. In accordance with the requirements of the Ontario Heritage Act, this request was referred to LACAC. If de-designated, Victoria Hall would no longer be protected under the provisions of the City of Hamilton Act (Bill Pr140), which applies to all properties designated under the Ontario Heritage Act. This Act requires that a Building Permit for a replacement structure be obtained before a Demolition Permit can be issued.

In accordance with Section 31 (2) of the Ontario Heritage Act, LACAC's recommendation regarding the designation of Victoria Hall shall be forwarded to Council.

An independent appraisal of the property at 66 and 68 King Street East is currently being undertaken by Ben Lansink, AACI (Lansink Best & McIver Ltd., Real Estate Appraisers and Consultants), in accordance with the direction given by the Planning & Development Committee.

c.c. V. J. Abraham, Director of Local Planning
N. Chapple, Architectural Historian, Planning Department

8.(c.)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 August 11

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Betty Carter, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: **Heritage Permit for Phase 2 Restoration of Dundurn Castle and Cockpit**

RECOMMENDATION:

That approval be given for a Heritage Permit for the Phase 2 Restoration of Dundurn Castle and Cockpit to include the following alterations:

(a) General: stucco replacement on specified wall surfaces (including eave bracket sections and chimneys of main building).

(b) Main Building: restoration of wood balustrade at roofline, with new wood panels and balusters to match original (existing railing to be retained).

(c) Main Building - kitchen wing: alterations to window/door openings: restoration of two original window bays, one on west and one on east elevation; blocking up of one doorway (not original) on east elevation.

(d) Dovecote: reconstruction of original cupola and mast; removal of brick wall beneath arch on south elevation to reconstruct original doorway (wood frame with wood and forged steel doors); reroofing in the original material (lead-coated copper shingles).

(e) Cockpit: regrading to recreate original site condition: ground to be sloped away from portico to expose full foundation wall at rear; removal of existing stucco from foundation walls and repointing of all exposed stone masonry; new exit doorway to be installed in window opening on east elevation of foundation wall.

Betty Carter

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Dundurn Castle and all of its ancillary buildings are designated under the Ontario Heritage Act. Any alterations therefore require Council approval through the Heritage Permit process. The term "alteration" as defined in the Ontario Heritage Act, includes both renovation and restoration work. Phase 2 largely comprises exterior restoration and reconstruction work to original facades and features. It entails restoration work on the south and west facades of the main building, kitchen wing, aviary, dovecote, and the cockpit (below roof structure completed in Phase 1).

The Dundurn Castle property is also recognized as a National Historic Site and protected by an Easement Agreement between the City of Hamilton and the Ontario Heritage Foundation.

A Building Permit application to undertake Phase 2 Restoration was received by the Building Department, 1995 June 7, and forwarded to Heritage Planning staff and LACAC for comment. Normally, a Building Permit would be withheld until the Heritage Permit has received final approval by Council. In this case, however, where all parties fully support the proposed work, the Building Department has been advised that a Building Permit may be issued prior to the completion of the Heritage Permit process, thereby enabling the work to proceed on schedule over the summer.

c.c. V. J. Abraham, Director of Local Planning
N. Chapple, Architectural Historian, Planning Department
M. Havelka, Manager of Cultural Services, Culture & Recreation Department

8.(a.)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 August 11

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Betty Carter, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: **Provincial Funding Commitment to the Lister Block Project**

RECOMMENDATION:

That a letter be sent to Premier Mike Harris and The Honourable Al Leach, the Minister of Municipal Affairs and Housing, requesting that the funding commitment to the Lister Block Project, in accordance with the agreement made with the Municipal Non-Profit (Hamilton) Housing Corporation, be reinstated because of the building's architectural and historical value, and the critical importance of its preservation to downtown revitalization.

Betty Carter

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

An "intent to designate" recommendation was approved by City Council, 1995 January 10. As a result of a notice of objection filed by Herman Turkstra on behalf of the owner, 1995 March 6, the proposed designation was referred to the Conservation Review Board, in accordance with the provisions of the Ontario Heritage Act. Originally scheduled for 1995 July 13, the hearing was postponed at the lawyer's request, and is still pending.

In April 1995, an allocation from the Province's Ministry of Housing was awarded to the Municipal Non-Profit Housing Corporation for the adaptive re-use of the Lister Block as a mixed residential commercial block with 40 apartments designated as non-profit housing units. Negotiations for the Housing Corporation's acquisition of the Lister Block were then initiated but were recently halted when the announcement was made in late July that the Lister Block was among the 75% of non-profit housing projects in Hamilton cancelled by the new Conservative government.

c.c. V. J. Abraham, Director of Local Planning
N. Chapple, Architectural Historian, Planning Department
M. Mascarenhas, General Manager, Housing and Loans, Building Department

9.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 August 14
SS-MAYOR

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Lister Block Sub-Committee

SUBJECT: Status Update of the Lister Block

RECOMMENDATIONS:

1. That the City of Hamilton continue its efforts to re-use the Lister Block by targeting the private sector to be the developer of the building; and,

2. That the City examine opportunities for revitalization programs for the Lister Block Area (bounded by James Street North, King William Street, John Street North, and Wilson Street) to enhance the commercial and residential development in the Area.

BACKGROUND:

In 1993, the Mayor established a Task Force to identify ways of revitalizing "Downtown Hamilton". Among those identified was the possibility of redeveloping the Lister Building which is more commonly known as the "Lister Block". The Lister Block is located in downtown Hamilton at the northeast corner of James Street North and King William Street. The building was in danger of being demolished for redevelopment purposes; the City decided to examine the

opportunity to preserve the building through adaptive re-use.

HISTORY:

The Lister Block was re-built in 1923 after a fire left the original four storey commercial block in ruins. The "new" Lister Block succeeded in drawing small merchants to the shops fronting on James and King William, a variety of retailers and service oriented businesses to the two-level interior shopping arcade and professional office suites on the upper four levels. The Lister Block was identified in the James North Heritage District Study as a heritage building of major importance.

LOCATION/PROPERTY DATA:

The Lister Block is located on the northeast corner of James Street North and King William Street. The current owner is 8103232 Ontario Ltd., c/o Metrus Properties Ltd. The property has 139 feet of frontage along James Street North and 105 feet on King William Street. It has a depth of 317.5 extending to Hughson Street for a lot area of 32,900 sq. ft. There is approximately 80,000 square feet of gross floor area on a total 6 floors.

PLANNING CONTROLS:

Official Plan:	The lands are designated "Central Policy Area" which permits both residential and commercial uses. The lands are also located within Special Policy Area 3 which encourages the provision of residential housing in close proximity to the Downtown.
Neighbourhood Plan:	The lands are designated "Commercial" on the approved Beasley Neighbourhood Plan.
Zoning:	The two blocks bounded by James Street, King William Street, John Street, and Rebecca Street are zoned "I" (Central Business District). The properties in the blocks bounded by James Street, Rebecca Street, John Street, and Wilson Streets are zoned "H" (Community Shopping and Commercial, etc.) District. There is one exception: No. 26 Wilson Street which has an "H" modified zoning to permit a public hall with a seating capacity of 120 persons.
Site Plan Control:	The properties are within the Central Area and are subject to Site Plan Control By-law No. 90-285.

PROCESS:

In April of 1995, the Chief Administrative Officer formed the Lister Block Sub-Committee which is represented by staff from the Planning, Building, Public Works and Traffic Departments and the Municipal Non-Profit Housing Corporation. The Sub-Committee was formed to identify ways of retaining the Lister Block while at the same time ensuring the long-term economic viability of the building. A second goal was to have the building contribute to the economic revitalization of downtown Hamilton. The area bounded by King William, Wilson, James and John Streets was identified as a potential redevelopment/improvement area. The Lister Block Sub-Committee has examined opportunities for improving the Lister Block while at the same time contributing to the downtown Hamilton revitalization efforts.

A proposal for the restoration and adaptive re-use of the building was prepared by the Heritage Planning Section of the Planning and Development Department. The proposal, which includes the conversion of the upper four floors of office space to 40 apartment units and the first and second floors for retail, was endorsed by the Lister Block Sub-Committee and submitted to the Province along with a request for partial funding through the acquisition/rehabilitation component of Jobs Ontario Homes. The proposal was successful in receiving a funding commitment. However, this funding was revoked by the new Provincial Government in July of this year. At this time, the Sub-Committee Members are of the opinion that there is an opportunity to involve the private sector for the Lister Block and are working on developing a private sector partner for the building.

Several brainstorming sessions have been held to identify initiatives which could be undertaken by property owners and the City within the Study Area (Appendix "A"). These sessions included a meeting with the property owners and stakeholders in the area and resulted in the ideas listed in Appendix "B" (attached). Some private initiatives that are underway include the investment by Hamilton Hydro of approximately $500,000 in their building's street image. In addition, the Hamilton Parking Authority has submitted an offer to purchase the existing Citipark lot at the southeast corner of James Street North and King William Street. The Parking Authority, if successful, will be able to initiate streetscape improvements for this lot.

With the private sector initiatives underway, there exists an opportunity for the City to contribute to the revitalization of this area through City initiatives such as streetscape improvements. The City initiatives would work well with the private sector initiatives to improve the area. It is the opinion of the members of the Lister Block Sub-Committee that the Lister Block Area presents an opportunity to meet several objectives towards revitalization of downtown Hamilton: the retention of an historic building; enhancement of the commercial area in this part of downtown Hamilton; and, working with the private sector to undertake joint initiatives for the improvement of the area.

From the City's perspective, the Lister Block Area is an opportunity for a public-private sector partnership in revitalizing downtown. The City could look at enhancements to the area through programs including revitalization projects such as streetscape improvements. These types of

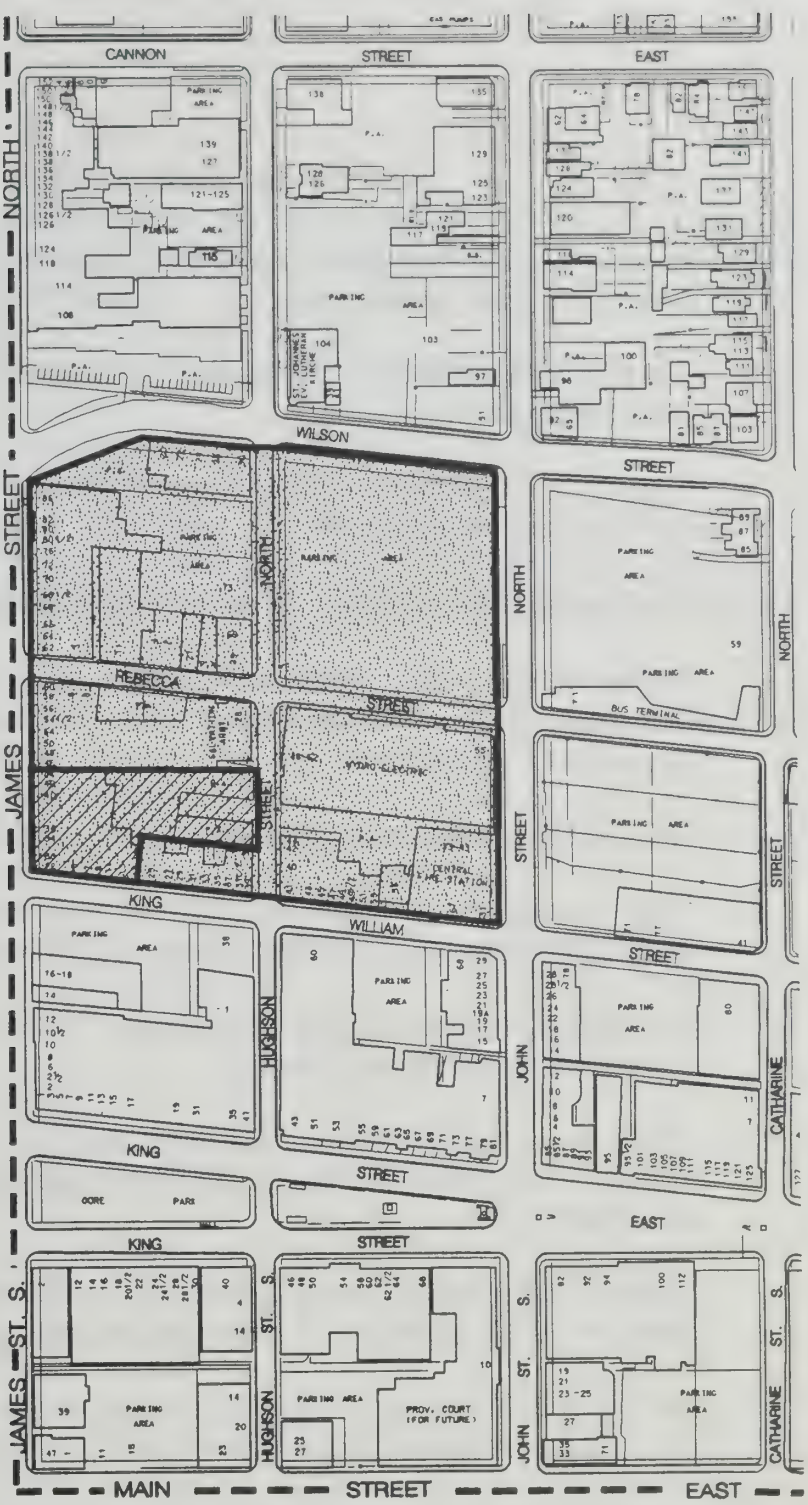
municipal projects would work well with the private sector initiatives currently underway.

CONCLUSION:

With the demise of the non-profit housing allocation for the Lister Block, opportunities for engaging a private sector developer for the Lister Block should be explored. Adaptive re-use of the Lister Block would contribute to the City's revitalization efforts in downtown Hamilton and the area east of James Street.

In addition, the City should begin to explore the opportunities for enhancing the area through revitalization opportunities such as streetscape improvements and the appropriate programs for undertaking these initiatives.

MLT/



LISTER BLOCK AREA

Legend

Lister Block

Lister Block Area

North

LIST OF BRAINSTORMING ISSUES

- The area needs more people, one way to do this is to provide residential units in the vacant floor space above stores.
- The area is dead after 5:30 p.m., services should be provided to attract people beyond normal business hours.
- A facade improvement loan for the area would be of benefit. This is no longer available since the BIA was disbanded.
- Cost sharing partnerships should be provided for flowers, landscaping and other works.
- Current building code requirements make it difficult to undertake any improvements without the need to undertake other costly work that would bring the building up to current Code requirements.
- The time for action, investment and improvements is now.
- There is some concern about the introduction of heritage easements to protect the area. Other actions can be undertaken to achieve the desired results.
- It is difficult to get everyone to cooperate. Changes to one building can be lost if everyone does not do the same.
- There are increasing signs of decay in the area with vacant buildings and broken windows. This results in the fear of the area being unsafe. Perceptions of safety should be addressed.
- There are concerns with the potential impact of the Regional Transportation Study on the downtown. The suggestion of increased parking rates will not help the downtown.
- Parking should not be required for development in the downtown. This would make it more attractive to develop in the downtown.
- Landlords should take more pride in their building. A more positive message should be given. Problems with buildings should be brought to the attention of the Building Department for inspection and appropriate action.
- The nature of business in the downtown is changing. Night clubs and restaurants will play a greater role in attracting people.
- The City should target hot spots in the area and address them. It is hoped that the other buildings will follow this lead. Perhaps demonstration projects could be initiated.

- The loss of the Jamesville BIA in this area has taken away a "voice" for this area. However, there remains enough interest in the area to do something. An umbrella organization is needed for this area.

- Residential development should be encouraged above the stores.

- The Eaton's Centre should be included in these discussions.

- Public art should be brought into this area. Murals should be provided but need to be kept up. Perhaps murals of existing and past period advertising could be initiated. Murals could be used to develop a theme for the area and could be used to help market the area.

- Public safety and the perception of lack of safety in the area should be addressed. Increased security is needed at night.

LISTER BLOCK SUB-COMMITTEE BRAINSTORMING SESSION

1. PRIVATE INITIATIVES	2. PUBLIC INITIATIVES
- Improve the Hydro and Fire buildings including cleaning facade of Hydro building	- Implement facade improvement loan program
- Improve signage	- Signage "theme" requirements - Signage programs
- Implement "theme" through development and redevelopment	- Create "theme" for Lister Blocks - Use chimney in parking lot for "theme" - Create street character
- Plan events for children	- Provide programming and activities for children
- Encourage and support street activities	- Create street activity, e.g. buskers and pan handlers
- Clean up internal court area	- Clean up streets
- Use upper floors of commercial areas for residential use	- eliminate parking requirements for residential uses. - remove development charges
- Improve interior mall of Lister Building	- Improve pedestrian flows
- Put shops in courtyard	- Use courtyard for shops
- More student housing	- More non-profit housing

LISTER BLOCK SUB-COMMITTEE BRAINSTORMING SESSION

1. PRIVATE INITIATIVES	2. PUBLIC INITIATIVES
- Market for ethnic population	- Target ethnic population in area
	- Develop parkettes and small play areas - Open space area at Rebecca and Hughson St. - Park at King William and James
- Owners to liaise and problem solve	- Bring owners together
- Develop food stores	
- Develop flea markets	
	- Stop further suburban development
	- Provide special lighting
	- Create links to TH&B along Hughson St.
- Improve parking	- Improve parking
- Address loading needs	- Address loading needs
- Encourage and support public art including murals	- Provide for public art including murals
- Provide music	- Encourage music
- Get rid of old posters	- Get rid of old posters
	- Remove/dress up parking meters
	- Access/develop community loan programs
- Expand business hours and develop businesses that operate beyond normal hours	

CITY OF HAMILTON

- RECOMMENDATION -

10.

DATE: 1995 July 17

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Chairman, Cash-in-Lieu Parking Committee

SUBJECT: Cash-in-Lieu of Parking
284-286 James St N (95.2.4.2.1.A, 95.4.2.1.A)

RECOMMENDATION:

1. That in accordance with the Cash-In-Lieu of Parking policy, that Pasquale & Angelina Consiglio be required to pay to the City of Hamilton, the sum of $39,000. which is 50% of the cost of thirteen (13) parking spaces at a total cost of $78,000.; and,

2. That a Cash-in-Lieu Agreement be approved subject to the following conditions:

   a) Payment duration shall be for five years, with five annual instalments; and,

   b) Interest shall be paid on the outstanding balance on an annual basis at a rate of 1% above prime; and,

3. That the Law Department be authorized and directed to prepare the Cash-In-Lieu Agreement.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

If this recommendation is approved, the City will add $39,000. to its fund for parking lot development and acquisition.

.../2

BACKGROUND:

The existing building is presently occupied by four dwelling units on the second floor, a vacant commercial space on the ground floor, and a private club in the basement.

The owner proposes to reduce the second floor occupancy to three dwelling units, establish a restaurant on the ground floor, and continue the use of the private club in the basement. Based upon the proposed uses, the required parking is a follows:

3 dwelling units	3 parking spaces
96 seat restaurant	8 parking spaces
60 person private club	5 parking spaces
Total	**16** parking spaces

The existing site can accommodate the three required parking spaces for the residential use. Proposed payment for cash-in-lieu is for the thirteen parking spaces required by the restaurant and private club.

Prior to this application for Cash-in-Lieu, the owner applied to the Committee of Adjustment for a minor variance for the required parking. This application was denied on 1995 May 10 (see attached decision).

The Cash-in-Lieu of Parking Committee met on 1995 June 21 and recommended that this application be approved for the following reasons:

- Land use and planning objectives are met.
- The use of the building is compatible with existing uses in the area.

The cost of providing and developing thirteen parking spaces, is based on land costs of $4,5000./space and development costs of $1,500./space. This works out to a total of $78,000. for thirteen spaces.

The owner's agent advised the Cash-In-Lieu Committee, that the owner would prefer a term of ten years for payment.

LCK/PCL/dm
Encl.

c.c. Ms. P. Noé Johnson, City Solicitor
Mr. Allan C. Ross, Treasurer

284 - 286 James Street North

Circulated
06/04/95

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. A-95:72
SUBMISSION NO. A-72/95

IN THE MATTER OF The Planning Act, 1983 and of the Zoning By-Law No. 6593, of the City of Hamilton, Section(s) 14.(1), 14.(4)(ii) and 18A;

JUN 9 1995

AND IN THE MATTER OF Premises municipally known as 284 - 286 James Street North, in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and in an "H" (Commercial) district;

AND IN THE MATTER OF AN APPLICATION by the agent, Joseph M. Venditti, on behalf of the owners, Mr. and Mrs. P. Consiglio, for relief from the provisions of the Zoning By-Law No. 6593, under Section 45(1) of The Planning Act, 1983, so as to permit the establishment of a 96 seat restaurant and an additional dwelling unit within the building which presently contains 1 dwelling unit notwithstanding that;

1\ 3 car parking spaces will be provided instead of the minimum required number of 10 and there will be no parking manoeuvring area on the lands;

2\ the lot has a width of at least 11.27m (37') instead of 12.0m (39.37').

THE DECISION OF THE COMMITTEE IS:

That the said application **IS DENIED** for the following reasons:

The Committee after reviewing the evidence is of the opinion that the relief, if granted, would result in the overintense use of the lands generating spillover parking onto adjacent residential streets.

The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-Law and of the Official Plan as referred to in Section 45 of The Planning Act, 1983.

DATED AT HAMILTON this 10th day of May, 1995.

SIGNED:

Alderman B. Charters
Chairman

R. N. Cutler

M. Dudzic

D. Serwatuk

B. Law

Alderman H. Merling

The time for appeal has expired and no such appeal has been filed.

THIS DAY OF

CITY OF HAMILTON

- RECOMMENDATION -

11.

DATE: 1994 August 11

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Len King,P.Eng
Building Commissioner

SUBJECT: Barton Street Revitalization (95.2.14, 95.2.4.2.1.A)

RECOMMENDATION:

1. That the budget as outlined in Schedule A be approved for a Street festival to be held 1995 September 17; and,

2. That the City Treasurer be authorized and directed to forward $8,350. ($10,459. - 20% holdback) for the Street Festival to the Barton Street B.I.A.. The outstanding balance of $2109. to be forwarded upon submission of a statement of account.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding of $300,000. has been provided by the Province for the revitalization program. The Province of Ontario will provide a total of $1,000,000. directly to the City of Hamilton over the next three (3) years. Full funding for the street festival has been budgeted and provided from provincial funding.

BACKGROUND:

On 1995 March 28, City Council approved a Barton Street Redevelopment Program for renovation loans and grants, mural projects, street festivals and street enhancement.

...2

As part of the revitalization program, the B.I.A. proposed that street festivals would be held on Barton Street. This proposal was approved by Council and a yearly budget of $40,000. was provided for street festivals.

The resolution approved by Council states as follows:

> The City will provide up to $40,000. yearly from available provincial funds to the Barton Street B.I.A. if it should decide to hold a street festival.
>
> Co-ordination of the festival will be solely the responsibility of the B.I.A. An appropriate portion of the funds will be made available in advance, final reimbursement of the B.I.A. will be made once a statement of account for the festival is presented.

The B.I.A. has submitted a budget of $10,459. (see attached Schedule A) for the street festival to be held 1995 September 17. A holdback of $2,109. (20%) will be retained until a statement of account is submitted to the City Treasurer.

DC/dc
encl.

A

The Barton Street Festival

(Preliminary Budget - Forecast)

September 17, 1995

INCOME	
Table Revenue	$2,000.00
Games Revenue	$1,500.00
Snack Booth	$750.00
Total Income	$4,250.00
EXPENSES	
Food & Beverages	$500.00
Table Rental	$262.50
Chairs	$240.00
Stage	$200.00
Sound	$400.00
Poster Printing & Design	$1,500.00
Advertising	$1,746.40
Acts	$2,500.00
Portable Toilets	$500.00
Prizes	$750.00
Games Rental	$120.00
Tent	$400.00
Police Officer @ $36/hour X 5hrs	$180.00
Street Decoration	$750.00
Miscellaneous	$500.00
Total Expenses	$10,548.90
EVENT REVENUE (LOSS)	**($6,098.90)**

50, 5

12.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 August 23rd
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

(i) Minutes of the Planning and Development Committee Meeting held 1995 July 5th

(ii) Minutes of the Planning and Development Committee Meeting held 1995 July 10th

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(i) Closure of Public Works Department Parks Division - Community Renewal Capital Projects

(ii) Gore Park Walkway Reconstruction - Electrical Component

C. CITY SOLICITOR

By-law to Amend By-law No. 93-167 Respecting Building Permit Fees

D. BUILDING COMMISSIONER

(i) Barton General Community Improvement Plan, Revised

Demolition Permit Applications

(ii) 490 Burlington Street East
(iii) 486 Burlington Street East
(iv) 188 Queen Street North
(v) 186 Queen Street North
(vi) 60 Cannon Street West

E. **CHIEF ADMINISTRATIVE OFFICER AND DIRECTOR OF PLANNING AND DEVELOPMENT**

(i) Neighbourhood Plan Amendments - 1994/95 Housekeeping Review

(ii) Application to remove Part-Lot Control "Sandrina Gardens - Phase 2" Subdivision, by the owner DiCenzo Construction Company.

(iii) Authorization for Staff Attendance at Ontario Municipal Board Hearings

F. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

St. Paul's Presbyterian Church - Technical Consulting Service

G. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

Wednesday, 1995 July 5
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:
Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor Robert M. Morrow
Alderman H. Merling
Alderman B. Charters
Alderman G. Copps
Alderman W. Mc Culloch

A.(i)

Regrets:
Alderman F. Eisenberger
Alderman M. Caplan

Also present:
V. Abraham, Director of Local Planning
B. Janssen, Planning Department
K. Extance, Planning Department
V. Grupe, Planning Department
C. Floroff, Planning Department
N. Chapple, Planning Department
A. Zuidema, Law Department
P. Lampman, Building Department
R. Karl, Traffic Department
E. Chajka, Transportation & Environmental Services
16 members of the public
Stella Glover, Secretary

1. **Zoning Application 95-10, by 90074 Ontario Inc. (Roy Yates), owner and prospective owner for Block "1" Change in Zoning from "C" District to "G" District modified; Block "2" change in zoning from "AA" District to "G" District; Block "3" change in Zoning from "AA" to "RT-30" District, for lands located at 1451 - 1471 Upper James Street.**

The Committee was in receipt of a report from the Director of Planning and Development and the Chief Administrative Officer dated 1995 June 27 respecting the above-noted matter.

The Committee was also in receipt of letters of objection to the proposed zoning change from Mary Lou Dickson, 1428 Upper James Street and Robert C. Dickson, 1428 Upper James Street. The Committee received these submissions for information.

Caroline Floroff of the Planning Department, addressed the application and stated that of 119 notices sent, 6 had been received in favour and 3 opposed.

The agents for the owners attended and addressed the application.

Mr. R. J. Morris of 1452 Upper James Street, spoke against the proposal and referred to his registered letter dated 1995 May 8 which he requested be included in the minutes. This letter is attached as Appendix "A".

After consideration the Committee approved the following:

(a) That approval be given to amended Zoning Application 95-10, 90074 Ontario Inc., (Roy Yates), owner & prospective owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "G" - 'H' (Neighbourhood Shopping Centre, etc. - Holding) District, modified, for Block "1", from "AA" (Agricultural) District to "G" - 'H' (Neighbourhood Shopping

Centre, etc. - Holding) District, modified for Block "2", and from "AA" (Agricultural) District to "RT-30" -'H' (Street Townhouses - Holding) District for Blocks "3", to permit development of the subject lands for a commercial plaza (Blocks "1"&"2") and street townhouses (Block "3"), for the property located at 1451-1471 Upper James Street, shown on the attached map marked as Appendix "B", on the following basis:

(i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until:

1. installation of municipal storm and sanitary sewers, and water services for Block "3" of the subject lands as the City deems necessary; and,

2. the applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton for Blocks "1" and "2"; Removal of the holding restriction shall be conditional upon the installation of all municipal services for Block "3" and completion of Site Plan Control Approval for Blocks "1" and "2". City Council may remove the 'H' symbol, and thereby give effect the "G" & "RT-30" District provisions as stipulated in this By-law by enactment of an amending By-law(s) once the conditions are fulfilled;

(ii) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "G" - 'H' (Neighbourhood Shopping Centre, etc. - Holding) District; and,

(iii) That Block "2" be rezoned from "AA" (Agricultural) District to "G" - 'H'(Neighbourhood Shopping Centre, etc. - Holding) District; and,

(iv) That Block "3" be rezoned from "AA" (Agricultural) District to "RT-30" - 'H'(Street Townhouse - Holding District; and,

(v) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations, as contained in Section 13 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:

1. That notwithstanding Section 13.(1), the following additional commercial uses shall be permitted:

   (aa) A liquor dispensary;
   (bb) A brewer's retail store; and,
   (cc) A video store.

2. That notwithstanding Section 13.(3)(i), a front yard of a depth of not less than 6.0 m shall be provided and maintained along the entire westerly boundary of Block "1"; and,

3. That notwithstanding Section 13.(3)(ii), a side yard of a depth of not less than 6.0 m shall be provided and maintained along the entire southerly boundary of Blocks "1" & "2"; and,

4. That notwithstanding Section 13.1(xv) of Zoning By-law No. 6593, only one (1) business identification sign that is ground sign and having a vertical dimension of not more than 6.0 metres, an aggregate area of vertical projection of not more that 1.0 square metre per 0.5 metres of street frontage of the lot, and located not less than 4.5 m from the Upper James streetline shall be permitted; and,

5. That notwithstanding clause 2.(2)J.(xb) of Zoning By-law No. 6593, one(1) directional sign at each point of ingress and egress, and each said sign of a size not exceeding 1.2 square metres (12.92 square feet) shall be permitted; and,

6. That no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination; and,

7. That a minimum 6.0 m wide landscape area shall be provided and maintained along the entire westerly boundary of Block "1", except for any area used for driveway access; and,

8. That a minimum 3.0 m wide planting strip shall be provided and maintained along the entire southerly boundary of Blocks "1" & "2", except for any area used for driveway access; and,

9. That a planting strip not less than 3.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire easterly lot line of Block "2"; and,

(vi) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1342, and the subject lands on Zoning District Map E-9D be notated S-1342; and,

(vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,

(viii) That the approved Ryckmans Neighbourhood Plan be amended by redesignating Block "3" from low density apartments to attached housing upon finalization of the implementing By-law; and,

(ix) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the following Council resolutions be repealed in their entirety:

(i) Section 27 of the Sixteenth Report for 1990 of the Planning and Development Committee for a change in zoning for property located at 1451, 1459, 1465 and 1469 Upper James Street; and,

(ii) Section 8 of the Eighth Report for 1992 of the Planning and Development Committee for a change in zoning for property located at 1471 Upper James Street.

2. Rental Housing Protection Act - 9:30 a.m.

(a) Application CD-95-006, 293 Mohawk Road East

The Committee was in receipt of a report from the Director of Planning and Development and the Chief Administrative Officer dated 1995 June 26 respecting the above-noted matter.

The Committee was also in receipt of a communication from Charles B. Biebuyck, Apt. 201, 293 Mohawk Road E., indicating that he was undecided with regard to the application and stating that unless all repairs were done to the property, he disagreed with the proposal. However, if the repairs were all done then he would be in agreement.

Keith Extance of the Planning Department, addressed the submission and the staff recommendation to deny the application.

Mr. Bruno Megna, the applicant, advised that if any tenant wished to remain as a tenant, they would be given a five to ten year lease with the option that the lease could be broken with 30 days' notice. He pointed out that the proposal gives the tenants perhaps the only opportunity to purchase their own home and that he was willing to do improvements to the building.

Ms. Pietro, tenant of Apartment 703 and Superintendent of 293 Mohawk Road, advised that she would be in agreement with the proposal provided that all the repairs were done first. She expressed concern at the number of urgent repairs which were needed including repairs to the roof and balcony railing.

After discussion, the Committee approved the following denial recommendation:

That Application CD-95-006, under the Rental Housing Protection Act, Halbiem Investments, owner, for conversion of 24 rental apartment units to condominium units for the property located at 293 Mohawk Road East, be denied for the following reasons:

(a) Approval of the application would have an adverse impact on the supply of affordable rental apartment units in the Hamilton Mountain Zone; and,

(b) Approval of the application would reduce the overall rental apartment vacancy rate in the Hamilton Mountain Zone.

(b) Application CD 95-009, 30 Summit Avenue

The Committee was in receipt of a report dated 1995 June 26 from the Chief Administrative Officer and the Director of Planning and Development respecting the above-noted matter.

The Committee was also in receipt of a submission from Roger Fleet of 30 Summit Avenue, Apt. 702 advising of his opposition to the condominium conversion proposal and stating that he preferred to remain as a tenant.

Keith Extance of the Planning Department addressed the application and Mr. Bruno Megna, the applicant, answered questions from the Committee.

The Committee then approved the following:

(a) That approval be given to Application CD-95-009, under the Rental Housing Protection Act, Bartonellis Holdings Limited, 350714 Ontario Limited and Rosa Lardi, owners, for conversion of 38 rental apartment units to condominium units for the property located at 30 Summit Avenue, subject to the following conditions:

(i) That the Owner offer, in writing, to the Tenants named in the schedule of existing tenants and rents on file with the City, the right to lease their current unit, noted in the same schedule, for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in the same schedule, upon the following minimum terms:

1. the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days;

2. that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement;

3. that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;

4. that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

5. that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(ii) That the Owner grant to the Tenants named in the schedule of existing tenants and rents on file with the City, an Option to Purchase a Unit specified in the same schedule, (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit.

Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "C" annexed hereto; and,

(iii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option;

(iv) That this RHPA approval shall cease and be at an end,

1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,

(v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "C" and "D" annexed hereto, and the schedule of existing tenants and rents on file with the City) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(vi) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;

(vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

Alderman Bob Charters was recorded as opposed to the recommendation.

(c) **Application CD 95-008 141 Catharine St. S.,**

The Committee was in receipt of a report dated 1995 June 27 from the Chief Administrative Officer and the Director of Planning and Development Department respecting the above-noted matter.

Vanessa Grupe of the Planning Department addressed the application and Mr. Bruno Megna, the applicant was in attendance.

After consideration, the Committee approved the following:

(a) That approval be given to Application CD-95-008, under the Rental Housing Protection Act, 683440 Ontario Inc., owner, for conversion of 57 rental apartment units to 57 condominium units for property located at 141 Catharine Street South, subject to the following conditions:

(i) That the Owner offer, in writing, to the Tenants named in the schedule of existing tenants and rents on file with the City, the right to lease their current unit, noted in the same schedule, for a period of not less than three years

from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in the same schedule, upon the following minimum terms:

1. the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days;

2. that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement;

3. that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;

4. that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

5. that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(ii) That the Owner grant to the Tenants named in the schedule of existing tenants and rents on file with the City, an Option to Purchase a Unit specified in the same schedule (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit.

Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "E" annexed hereto;

(iii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option;

(iv) That this RHPA approval shall cease and be at an end,

1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "E" and "F" annexed hereto, and the schedule of existing tenants and rents on file with the City) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(vi) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,

(vii) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

3. **Delegation**

Mr. Jack Harvey, Real Estate Agent, attended on behalf of the owners of the Victoria Hall/MacKay Building (The Foster Building).

Mr. Harvey read a letter from the owners requesting that the property be removed as soon as possible from heritage designation and that a demolition permit be issued.

The Committee noted that an independent appraisal had been called for on the property and would be available in approximately three weeks.

After discussion the Committee approved the following:

(a) That the request for the removal of the heritage designation on the Victoria Hall/MacKay Building (Foster Building) be referred to the Local Architectural Conservation Advisory Committee as required under the Heritage Act; and,

(b) That a report be brought back to the Planning and Development Committee in this regard at its 1995 August 23 meeting, at the same time as the independent real estate appraisal.

4. Chief Administrative Officer/Director, Planning and Development Department

Project Status Update for Official Plan Amendment No.130, Albion Falls Neighbourhood

The Committee was in receipt of a report dated 1995 June 21 from the Chief Administrative Officer and the Director, Planning and Development Department respecting the above-noted matter and approved the following:

> That the Regional Municipality of Hamilton-Wentworth be requested to include the provision of water and sewer services to the Albion Falls area, covered by Official Plan Amendment No. 130, within the Region's 1996-2005 Capital Budget.

5. Building Commissioner

Permits for Replacement of Furnaces

The Committee was in receipt of a report dated 1995 June 22 from the Building Commissioner respecting the above-noted matter and approved the following:

(a) That By-Law 93-167 to authorize building permits and fees be amended by adding item 2(a) from Schedule "A" as follows:

2(a) permit for the replacement of a furnace for a single family dwelling $75.00; and,

(b) That the City Solicitor be authorized and directed to prepare the necessary By-law Amendment.

6. Referral from Transport and Environment Committee

Greeningdon Neighbourhood - Closure of Ridge Street north of Limeridge Road

The Committee was in receipt of a memorandum from the Secretary of the Transportation and Environment Committee, dated 1995 June 23, requesting that public meetings be held to consider adopting a neighbourhood plan for the Greeningdon Neighbourhood which would include the closure of Ridge Street north of Limeridge Road.

The Committee approved the holding of public meetings and requested that Staff from Traffic, Engineering, Planners - Expressway, and H.S.R. be included at these meetings.

7. CONSENT AGENDA

A. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of its meeting held Wednesday, 1995 June 21 and approved the minutes as circulated.

B. CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PLANNING AND DEVELOPMENT DEPARTMENT

(i) Mount Neighbourhood Mediation Process - Lands of Chedoke Health Corporation

The Committee was in receipt of a report dated 1995 June 15 from the Director, Planning and Development Department and the Chief Administrative Officer respecting the above-noted matter and approved the following:

(a) That the process outlined in the Terms of Reference for the Mountview Mediation Committee, be received; and,

(b) That the following members of the Committee be endorsed:

Pam Accadia	Mountview Neighbourhood
Patrick Chetcuti	Mountview Neighbourhood
Jim Jackson	Mountview Neighbourhood
Les Jagodich	Mountview Neighbourhood
Susan Penrose	Mountview Neighbourhood
Marianna Schroeder-Sawchyn	Mountview Neighbourhood
Eric Grove	Westcliffe West Neighbourhood
Don May	Representative of Chedoke Health Corporation

(c) That the Committee be disbanded upon the completion of its final report to the Planning and Development Committee.

(ii) Implementation of Public Participation Policies

The Committee was in receipt of a report dated 1995 June 19 from the Chief Administrative Officer and the Director, Planning and Development Department respecting the above-noted matter and approved the following:

(a) That the document, entitled "Public Participation Policies" be adopted; and,

(b) That the document be circulated to all City Departments and the Regional Municipality of Hamilton-Wentworth.

(iii) Extension of Draft Plan Approval "Ridgeview Estates" Sub-division, 25 T-76046

The Committee was in receipt of a report dated 1995 June 26 from the Chief Administrative Officer and the Director of Planning and Development Department respecting the above-noted matter and approved the following:

(a) That the request by T. Valery Construction Limited, owners, to extend draft plan approval for "Ridgeview Estates" subdivision under Regional File No. 25T-76046 for a further one (1) year period to August 29, 1996, be approved; and,

(b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

C. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee was in receipt of a report dated 1995 June 28 respecting information items and approved the following:

That the following information items, which had been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(i) Local Architectural Conservation Advisory Committee Minutes dated 1995 March 13 and May 15.

(ii) Information Report from the Chief Administrative Officer and the Director of Planning and Development dated 1995 July 5 respecting South Mountain Development - Development Status.

(iii) Information Report from the Chief Administrative Officer and the Director of Planning and Development dated 1995 June 28 respecting Evaluation Criteria - Rental Housing Protection Act Applications for Conversion to Condominium.

(iv) Information Report from the Director of Planning and Development dated 1995 June 27 respecting Approved Site Plan Control Applications.

8. PRIVATE AND CONFIDENTIAL AGENDA

At this point the Committee moved In Camera to discuss its Private and Confidential Agenda.

Resuming in open session, the Committee approved the following:

> That a special meeting of the Planning and Development Committee be held prior to the next Council Meeting at which Mr. Duncan Beattie, the City's representative on the Hamilton Harbour Commission is to be invited, together with all members of Council, to discuss uses for Hamilton Harbour.

9. OTHER BUSINESS

Cash in Lieu (95.2.4.2.1.A and 95.4.2.1.A) 284 - 286 James Street North

The Committee was in receipt of a report dated 1995 July 5 from the Chairman, Cash in Lieu Parking Committee respecting the above-noted matter.

After consideration the Committee requested that this matter be brought back to the 1995 August 23 meeting of the Planning and Development Committee, at which time more information will be available.

10. ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved

Alderman D. Drury, Chairperson
Planning and Development Committee

Stella Glover
Secretary

APPENDIX "A"

ROBERT J. MORRIS, P.ENG.
1452 UPPER JAMES ST.
HAMILTON, ONTARIO
CANADA L9B 1K3

July 4th, 1995

Planning and Development Committee,
City of Hamilton,
City Hall,
71 Main St. West,
Hamilton, Ontario.
L8N 3T4

Attention: Committee Secretary

Ref: File No. ZAC-95-10

Dear Sir/Madam:

I stenuously object to the application for a change in zoning under your file ZAC-95-10.

Initially, I have the following concerns:

1. The report was only made available to me Friday noon, and with a long weekend, only Tuesday was available for research and to obtain legal counsel. I consider this to be muzzling public comment and an infringement on my rights.

2. The reduction of the setback on the western boundary is not consistent with the other commercial buildings on this section of street. This lack of concern for the appearance of the street is presently evident since the site is the worst eyesore on the mountain. It is a disgrace and I think it reflects on the owner's priorities and this application.

3. Appendix A and B are too small a scale for me to determine how this application will affect my peaceful enjoyment of my property. It appears that the accesses to Upper James Street will materially affect my property and the adjoining property.

4. It appears that the back of the buildings will be facing onto Upper James St. If this complies with the Urban Design Guidelines then all other developments contravene the guidelines.

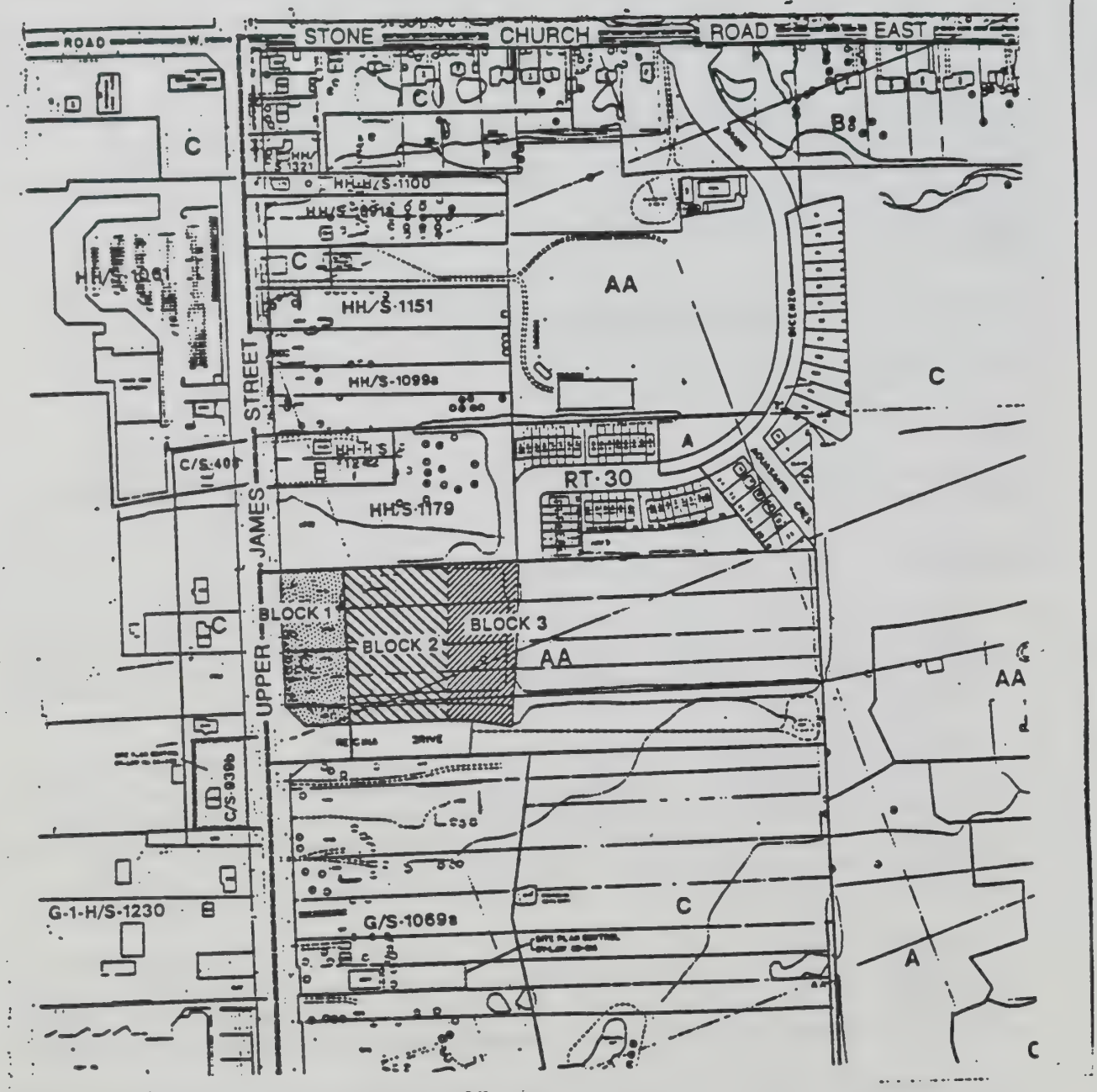
5. The report dated June 27, 1985 seems to be allowing the Official Plan, Zoning Bylaws and Guidelines to be bent to the extreme, if not broken.

In closing, I would remind the committee of my registered letter dated May 8, 1995.

Yours truly,

Robert J. Morris

RJM/lm



Legend

ZAC-95-10

Proposed change in zoning from:

BLOCK 1 — "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified.

BLOCK 2 — "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified.

BLOCK 3 — "AA" (Agricultural) District to "RT-30" (Street Townhouse) District.

The Agreement of Purchase and Sale shall provide,

(a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,

(b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,

i) $3,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,

ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

(d) If the Director of Planning and Development receives a declaration from the Owner that a Tenant named in the schedule of existing tenants and rents on file with the City, has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Planning and Development shall send by registered mail to the Tenant at the rental unit listed in the same schedule, a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.

The Agreement of Purchase and Sale shall provide,

(a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,

(b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,

i) $3,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,

ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

(d) If the Director of Planning and Development receives a declaration from the Owner that a Tenant named in the schedule of existing tenants and rents on file with the City, has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Planning and Development shall send by registered mail to the Tenant at the rental unit listed in the same schedule, a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.

Monday, 1995 July 10
2:00 o'clock p.m.
Room 233, City Hall

A. (ii)

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Alderman B. Charters
Alderman M. Caplan

Also present: Alderman M. Kiss
Mr. Duncan Beattie, Hamilton Harbour Commission
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Caroline Floroff, Planning Department
Art Zuidema, Law Office
Bob Chrystian, Public Works and Traffic Department
Stella Glover, Secretary

As insufficient members of the Planning and Development Committee were present to constitute a quorum, the Committee met informally.

The Committee moved in-camera for an informal discussion with Duncan Beattie of the Hamilton Harbour Commission on Hamilton Harbour land use.

Taken as read and approved,

ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Stella Glover
Secretary

1995 July 10

B. (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 August 11

AUG 14 1995

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Commissioner of Public Works and Traffic

SUBJECT: Closure of Public Works Department
Parks Division - Community Renewal Capital Projects

RECOMMENDATION:

That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of funding:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source of Funding
429202004	North End Anti-Recession Programme	$ 400,000.	$ 399,989.85	$ 10.15	R.P.L. Province of Ontario

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial implications are contained in the recommendation. There are no staffing implications.

BACKGROUND:

The work related to the above-noted project has been completed, and therefore, the affected accounts can be closed.

c.c. Mr. Allan C. Ross, Treasurer
Mr. N. R. Adhya, Manager of Accounting
Mr. R. W. Chrystian, Manager of Parks Division
Mr. W. Plessl, Coordinator, Park Development & Maintenance

B. (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 August 16

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic Department

SUBJECT: Gore Park Walkway Reconstruction - Electrical Component.

RECOMMENDATION:

1. That $61,500. be charged against Account Number CF-5000-428603000 Downtown Action Plan - Phase III for the electrical component of the Gore Park Walkway Reconstruction Project.

D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The total cost of reconstruction of the walkways within Gore Park is estimated at $451,500. Sufficient monies are contained in Account Number CF-5000-428603000 (Downtown Action Plan - Phase III) to cover the electrical component of the project. This Account will have no monies remaining once the $61,500. has been charged against it. The remaining elements of the project will be charged to the Roadway & Sidewalk Reconstruction Program and the Gore Park Walkway Restoration Account.

There are no staffing or legal implications.

BACKGROUND:

The total cost for the reconstruction of the Gore Park walkways including the sidewalks adjacent to King Street and replacement of the electric plant within Gore Park, which is in poor condition and would prove difficult to replace at a later date, is $451,500. The OMB debenture approval for the Downtown Action Plan Phase III Project included amongst other items general improvements to Gore Park. Therefore this work would fit within the original description for work to be charged to the account.

HM/hm

c.c. Alderman F. Eisenberger
Chairman, Parks and Recreation Committee
Mr. J. Pavelka, Chief Administrative Officer
Mr. A. Ross, Treasurer, Attn: Brian Hill

C.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 July 25

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: By-law to Amend By-law No. 93-167 Respecting Building Permit Fees

RECOMMENDATION:

That the attached By-law be enacted by City Council.

P. Noé Johnson, per: P. Hooker

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

City Council, on July 11, 1995, in adopting Item 6 of the 16th Report of the Planning and Development Committee authorized the City Solicitor to prepare the attached by-law to amend By-law 93-167 respecting Building Permit Fees.

LEF:as
Enc.

c.c. L. King, Building Commissioner, **Attn: W. Wong**

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend

By-law No. 93-167

Respecting

BUILDING PERMIT FEES

WHEREAS By-law 93-167 was enacted on the 27th day of July 1993 concerning Building Permit Fees.

AND WHEREAS City Council, on July 11, 1995, in adopting Item 6 of the 16th Report of the Planning and Development Committee authorized the addition of a Permit Class for the installation of a replacement furnace for a single family dwelling;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "A" of By-law No. 93-167 is amended by adding the following Class of Permit.

CLASS OF PERMIT		FEE
2.(a)	Permit for the installation of a replacement furnace for a single family dwelling	$75.00

PASSED this day of , 1995.

CITY CLERK MAYOR

(1995) 16 R.P.D.C. 6, July 11

D. (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 August 14

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Len King, P. Eng
Building Commissioner

SUBJECT: Barton General Community Improvement Plan, Revised
(95.2.4.2.1.A)

RECOMMENDATION:

a) That the Barton General Community Improvement Plan, Revised, attached hereto as Appendix A, be adopted in order to implement the Commercial Loan Program and the Barton Street Redevelopment Program; and,

b) That the Revised Community Improvement Plan be submitted to the Ministry of Municipal Affairs and Housing for approval; and,

c) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

At its meeting of 1995 June 17, Council authorized the Building Department to proceed with amending the Barton General Community Improvement Plan in accordance with the Planning Act. The attached revised plan was discussed at a public meeting at West Avenue School on 1995 August 2, as per the Declaration, attached as Appendix B, and now requires adoption by Council.

The revised plan incorporates the Commercial Loan Program as the vehicle for lending to business operators located within the Barton General Community Improvement Area (which is the area of the Barton Street B.I.A.) and implements the Barton Street Redevelopment Program, some aspects of which require ministerial approval under the Planning Act.

LCK/JAG/dc
Attach.

APPENDIX "A"

BARTON GENERAL COMMUNITY IMPROVEMENT PLAN, REVISED

Purpose:

To revise the existing Community Improvement Plan for the Barton General Community Improvement Project Area so as to additionally implement the Barton Street Redevelopment Programme.

Preface:

This document constitutes a revision of the Community Improvement Plan for the Barton General Community Improvement Project Area, which was originally designated by By-law 88-12.

Introduction:

On June 23, 1987, By-law 87-178 was passed designating Barton Street from near Wellington Street to Wentworth Street as a Business Improvement Area. Subsequent to this, on November 24, 1987, Council approved the Barton General Community Improvement Project Area and accompanying Community Improvement Plan and it was adopted as By-law 88-12. Subsequently, the Province (Ministry of Municipal Affairs) approved By-law 88-12 for implementation under Section 28 of the Planning Act.

By-law 88-12, as approved by Council, established the Commercial Facade Loan Programme (itself approved by Council June 24, 1986) as the means of making funds available for the improvement of private property in the Community Improvement Project Area.

The present Community Improvement Plan for the Barton General Community Improvement Area does not include the making of grants by the City to owners despite the provisions of Section 28 of the Planning Act, Sub-section 7 which states that "for the purpose of carrying out the community improvement plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the community improvement project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan". Also, the Commercial Facade Loan Programme has been replaced as a program for City lending in Business Improvement Areas by the Commercial Loan Programme (approved by Council January 12, 1993).

The Barton Street Redevelopment Programme, the final version of which Council adopted on March 28, 1995, is designed in part to be implemented in concert with the Commercial Loan Programme. Furthermore, the Barton Street Redevelopment Programme funded as it is with provincial grants, provides that the City in turn use those grants to: pay down portions of loans made to Barton Street businesses, fund murals and signs on private buildings, fund street festivals, and to fund street improvements.

Commercial Loan Programme

The attached Appendix A constitutes the Commercial Loan Programme as it is implemented.

Barton Street Redevelopment Programme

The attached Appendix B constitutes the Barton Street Redevelopment Programme. The mural project, (Schedule 3 of Appendix B) will entail murals and signs being located on private property within the program area.

Provincial Funding Commitment

Appendix C, Councils' acceptance on March 14, 1995 of the one million dollar ($1,000,000) provincial commitment, bears on the funding and duration of the Barton Street Redevelopment Programme.

Waiving of Fees

Council, on May 30, 1995, waived fees for Committee of Adjustment applications and Property Reports for the anticipated duration of the Barton Street Redevelopment Programme; this is attached as Appendix D.

Summary

Therefore the City of Hamilton is proposing to amend the Barton Community Improvement Plan, by the addition of the following programs:

(1) Grants to business land owners who have Commercial Loans from the City for a sum of up to 1/2 of the outstanding loan principal of a loan made for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan; and,

(2) Grants to business land owners who intend to rehabilitate their lands and buildings to conformity with the Community Improvement Plan to cover the cost of building permit fees, Committee of Adjustment applications, Property compliance Reports due the City; and,

(3) Grants to business land owners to cover all or a portion of the cost of decorative murals to be erected on their lands to rehabilitate these lands and buildings in conformity with the Community Improvement Plan.

These programs would be subject to the conditions enacted by City Council in the attachments.

Conclusion

The revised Community Improvement Plan augments the long term lending commitment of the City with a three year program funded by the Province that will, in combination, permanently re-create a viable shopping/artisans area where there are now mainly closed shops.

(d) That the Kirkendall North Neighbourhood Plan be amended to redesignate the subject lands from "Single and Double Residential" to "Commercial".

Recorded vote on Section 9 as amended

YEAS: Mayor Morrow, Aldermen Cooke, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen Kiss, Copps. -2. **CARRIED.**

10. (a) That $500,000. from the Commercial Improvement Programme be used to Implement a new commercial loan programme for the upgrading of the interior of commercial buildings located in Business Improvement Areas, (B.I.A.'s);

(b) That the funds be incorporated into the existing Commercial Facade Programme which was previously limited to the exterior of the buildings located in B.I.A.'s;

(c) That the Building Department be responsible for the Implementation of the Programme as per Appendix "E"; and,

(d) That the City's Law Department be directed to prepare the necessary Implementation By-law for a Commercial Loan Programme under Section 28 or Section 28 or Section 22 of the Planning Act.

11. That staff be directed to represent the City at an Ontario Municipal Board Hearing respecting a variance and a consent application for 20 Adair Avenue South, Hamilton, on 1993 January 27.

12. That the Chairperson of the Planning and Development Committee or his delegate be authorized to attend the American Planning Association's 1993 Conference to be held in Chicago, U.S.A. from 1993 May 1-5.

13. That leave be granted to introduce the following Bills:

(a) Bill C-1 A By-law to adopt the North End East and West Community Improvement Plan

A

1993 January 12

Appendix "E" referred to in Section 10(c) of the FIRST Report of the Planning and Development Committee for 1993

COMMERCIAL LOAN PROGRAMME

- Both owners and tenants eligible.
- Maximum loan for interior work $10,000. per municipal address.
- If owner/occupant maximum loan $45,000. facade and $30,000. interior for $75,000. on three businesses.
- Loan rate one half City's prime amortized over maximum 10 years.
- Loan secured by Promissory Note and Lien registered on Commercial property or if renting a Lien would be place on any real property. The owner must have at least 20% equity in real property before loan will be approved.
- B.I.A. levy and business taxes must be current and if owner occupied the property taxes must be current.
- B.I.A. must be in existence for at least one year and levy must average $100. per business.
- B.I.A. will prepare a recommendation on loan which will be sent to the Planning and Development Committee along with Department's recommendation.
- All money collected on repayment will be placed in recyclable account in order to continue the Programme.
- If business owner has no real property a maximum loan of $2,000. will be provided as it will only be secured by Promissory Note. Admortization period will be maximum of 3 years. (At 3 years at 3% monthly payment, $58.16)
- Department charge 1 1/2 % or $200. whichever is more as an administration fee. This will become an eligible expense on the application.
- The funds will be made available based on the number of businesses located in a B.I.A.

ELIGIBLE ITEMS

- Interior fixtures including partitions.
- Interior decorating including lighting, painting, wallpaper, etc.
- "Built in" showcases, freezers, special plumbing, etc.
- Interior signage.
- Each application will be based on own merits but those items deemed chatels will not be eligible, (tables, desks, chairs, cash registers, etc.,).

8. That the City of Hamilton accept the sum of $12,530. as a cash payment in lieu of the 5% land dedication in connection with "Acadia Estates", west of Upper Sherman Avenue in the Butler Neighbourhood, Hamilton, as well as the sum of $7,750. as a cash payment in lieu of the 5% land dedication in connection with "Arrowhead Heights of Rymal - Phase 1", south of Rymal Road in the Chapple East Neighbourhood, Hamilton, this being the cash payment required under Section 51 of the Planning Act.

9. That the City of Hamilton accept the sum of $3,400. as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 6", west of Garth Street and north of Rymal Road West in the Falkirk East Planning Neighbourhood, Hamilton, this being the cash payment required under Section 51 of the Planning Act.

10. That the Building Commissioner be authorized to issue a demolition permit for:

(a)	131 Forest Avenue	**REFERRED BACK.**
(b)	137 Forest Avenue	**REFERRED BACK.**
(c)	404 Beach Boulevard	
(d)	47 Limeridge Road East	
(e)	161 Niagara Street	
(f)	169 Niagara Street	
(g)	171 Niagara Street	

11. That in situations where the owner of a property also operates a business from the same address that the maximum commercial loan of $25,000. be permitted regardless of the breakdown between exterior and interior work.

12. That in the event the owner of a business within a B.I.A. does not own the building, a loan of less than $5,000. will be secured by a Promissory Note, and for loans greater than $5,000., a collateral mortgage will be obtained on other real property owned by the tenant.

13. That a Commercial Loan in the amount of ten thousand dollars ($10,000.) be approved for Luba Mera, a Division of 603667 Ontario Inc. for improvements at 987 King Street West. The interest rate will be 3-3/8 per cent amortized over ten years and will be secured by a collateral mortgage on the property at 127 Rembrandt Court, Ancaster.

(e) (i) That a Commercial Loan in the amount of twenty-five thousand dollars ($25,000.) to Keith and Margaret Cody for rehabilitation to 293 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 percent, amortized over 10 years, and;

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand and five hundred dollars ($12,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program, and;

(f) (i) That a Commercial Loan in the amount of five thousand hundred dollars ($5,000.) to Keith and Margaret Cody for exterior storefront improvements to 293 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 percent, amortized over as period less than 7 years, and;

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

(g) That the grants to business land owners referred to above be subject to the following conditions being fulfilled:

(i) Preparation and enactment of a By-law in a form satisfactory to the City Solicitor to amend By-law 88-12, being the By-law to adopt "The Barton General Community Improvement Plan" in order that the Plan may include the revised Barton Street Revitalization Program adopted by Council on March 28, 1995 (Item 2, 10th Report, Planning & Development Committee), including the following points:

(1) Grants to business land owners who have Commercial Loans from the City for a sum of up to 1/2 of the outstanding loan principal of a loan made for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan; and,

(2) Grants to business land owners who intend to rehabilitate their lands and buildings in conformity with the Community Improvement Plan to cover the cost of building permit fees, Committee of Adjustment applications, Property compliance Reports due the City; and,

"A

(3) Grants to business land owners to cover all or a portion of the cost of decorative murals to be erected on their lands to re-habilitate these lands and buildings in conformity with the Community Improvement Plan.

(ii) That the Building Department be authorized to hold the public meeting and take the other steps required by the Planning Act prior to the enactment of the said amending by-law to amend the Barton General Community Improvement Plan; and,

(iii) That the by-law shall be submitted to Council for enactment and the City Solicitor be authorized to submit the amending by-law for the approval of the Minister of Municipal Affairs; and,

(iv) That following Ministerial approval to the amending by-law, the City Solicitor also be authorized to apply to the Minister of Municipal Affairs pursuant to sec. 28(8) of the Community Improvement provisions of the Planning Act for approval to be granted to the City by the Minister to permit the City to make the grants (and offer the other assistance to the business land owners) provided for in the Barton General Community Improvement Plan, as amended, that would otherwise be bonuses prohibited by section 111(1) of the Municipal Act; and,

(h) That the Building Commissioner and the City Solicitor be authorized to prepare a report to the Planning & Development Committee on the private legislation that would be required from the Province to enable the City to implement those provisions of the Barton Street Revitalization Programme which would provide grants and other financial benefits to business tenants in the Barton Street Community Improvement area.

"B"

BARTON STREET REVITALIZATION GRANTS

- Grants will be made available to all those who borrow from the Commercial Loan Programme to fund rehabilitation of a building within the Barton Street B.I.A.
- Both secured and unsecured loans may be held concurrently.
- Grant instalments will be advanced by the direct paying down of principal in a Commercial Loan Program borrowers' loan account by the Treasurer.
- All three year grant instalments will be segregated into a separate treasury account at the time of grant approval for eventual pay out.
- All grants and unsecured loans will be funded only from available provincial funds.
- Loans will be for a ten (10) year term at an interest rate of one half of prime at the time of loan finalization.

Secured Borrowers

- The grants will be made available to secured borrowers in three (3) instalments at the rate of:

  15% of the loan amount at the time of construction completion as approved by a Building Inspector authorized by the City, and;

  15% of the original loan amount on the anniversary date of the first advance, and;

  20% on the anniversary date of the second advance.

- The maximum grant on a loan for a single business address is not to exceed $20,000. and all instalments are to reflect the 15:15:20 ratio.
- The maximum grant for a multiple business address or to a single owner of more than one building within the B.I.A. (with more than one resultant business address) is not to exceed $30,000. and the instalments are to reflect the 15:15:20 ratio.

Appendix C as
Section 2 of the TE
of the Planning and D
Committee

"B"

MURAL PROJECT

- The City will provide up to $20,000. yearly from available provincial funds to the Barton Street B.I.A. for mural projects within the B.I.A. Guidelines for the murals will be established by the City's Art Co-ordinator and final approval will rest with the B.I.A., the Arts Advisory Sub-Committee and the Task Force of the Barton Street Revitalization/Cultural Industry Strategy.

- Co-ordination will be the responsibility of the B.I.A.

- Costs for co-ordination, wages and materials are to be submitted for approval along with the art itself, and will be advanced monthly on a per cent of completion basis.

STREET FESTIVAL

- The City will provide up to $40,000. yearly from available provincial funds to the Barton Street B.I.A. if it should decide to hold a street festival.

- Co-ordination of the festival will be solely the responsibility of the B.I.A. An appropriate portion of the funds will be made available in advance, final reimbursement of the B.I.A. will be made once a statement of account for the festival is presented.

Appendix "D" as referred to in
Section 2 of the TENTH Report
of the Planning and Development
Committee for 1995

"B"

STREET ENHANCEMENT

- Up to one third or $330,000. of the available Provincial funding of $1-million will be utilized for street enhancement projects.
- Street light fixtures, alley lighting, banners, and island plantings are expected to be installed.
- As has been the case in other B.I.A.'s, the Public Works Department will both co-ordinate and implement many of the individual work projects.
- Funds will be advanced to Public Works or the B.I.A. as is appropriate.
- Public Works is doing a separate design study of the Barton B.I.A. streetscape in the Summer of 1995, which will be used to integrate these projects with any done in the future.

2. That the Building Department be directed to implement the revised Barton Street Redevelopment Program as outlined on Appendice "B", "C", and "D" attached.

3. That Item 2.A. of the Fifth Report of the Planning and Development Committee to City Council on 1995 January 31, respecting Zoning Application ZAC-94-27 by Gerald Coleman and Robert Coleman, for lands at 71 Rymal Road West, be amended by renumbering (d),(e) and (f) to (h),(i) and (j) and inserting the following:

(a) (iii) a wall sign having a maximum area of $4m^2$;

(d) That notwithstanding the provisions of Section 18A (14a) and (14g) of Zoning By-law No. 6593, parking may be provided in the required front yard and not less than 15% of the gross area of the front yard shall be used for landscaped area.

(e) That notwithstanding the provisions of Section 18 (4)(iv) of Zoning By-law No. 6593, the accessory shed is permitted within the required side yard but shall not be closer than 1.5m to the side lot line.

(f) That notwithstanding the provisions of Section 18A (26) of Zoning By-law No. 6593, the access driveway must be at least 1.5m from the west property line.

(g) A landscape planting strip having a minimum width of 1.5 m shall be provided and maintained along the street line (northerly property line), except for any area used for vehicular access.

4. (a) That the City accept and execute the Minutes of Settlement attached as Appendix "E", once same has been executed by all other noted parties.

(b) That an Addendum to the Minutes of Settlement be entered into by Seven Towers Non-Profit Family Day Care Inc. (hereinafter called "Seven Towers") and the City whereby Seven Towers, at its sole expense, agrees to:

(i) close off the existing South approach with concrete curbing as shown on Appendix "F" attached, to the satisfaction of the Director of Public Works; and

(ii) remove the asphalt/concrete hard surfacing to the East of the concrete curbing to be installed as shown on Appendix "F" attached, and landscape same to the satisfaction of the Director of Public Works.

(c) That the City revise its current Lease dated the 14th day of December 1993 with Seven Towers to reflect the Minutes of Settlement and Addendum.

PCL
Doug C

1995 March 14

3. (a) That City Council accept the offer from the Province to provide a $1-million funding for Barton Street Initiatives; and,

(b) That the City Treasurer return to the Province the OHRP funds of approximately $4.5-million on or about 1995 March 31 as requested by the Ontario Ministry of Housing under amended Regulation 641 of the Housing Development Act; and,
AMENDED.

(c) That the Building Department be directed to implement a revised Barton Street Redevelopment Program as outlined on Appendix "B" hereto.

4. (a) That a Barton Street Revitalization Committee be established composed of the Ward Aldermen, a BIA representative, a resident of the area, a member of the Task Force (Barton Street), and representatives from various departments responsible for delivery; and,

(b) That the Building Department be authorized and directed to disband the Barton Street Implementation Committee; and,

(c) That the Building, Law, and Treasury Departments be authorized and directed to discontinue work on the Barton Street Community Development Corporation.

(v) to cease using the land or structure for the dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind; and,

(vi) to cover over, screen, shield or enclose the garbage, refuse or the domestic or industrial waste in the manner prescribed by the Commissioner or Inspector; and,

(vii) Every Order sent by the Commissioner or Inspector, shall identify the land or structure; and,

(b) That the appropriate By-law be enacted by Council.

9. That the total outstanding Community Heritage Loan for Mr. C. Kopriva, 235 Locke Street North, Hamilton, in the amount of six thousand, four hundred and eighty-one dollars and twenty cents ($6,481.20) be placed on the tax rolls.

10. That the Building Commissioner be directed to waive the requirement of charging administration fees for Committee of Adjustment applications and Property Reports in relation to the implementation of the Barton Street Redevelopment Program for the area described under By-law No. 87-178, Barton East #1 BIA. This directive shall expire 1997 December 31.

11. That the Building Commissioner be authorized to issue a demolition permit for 514-516 Burlington Street East, in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

12. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing regarding an appeal to the Committee of Adjustment decision to deny Application No. A-95-57, respecting property located at No. 187 Napier Street.

13. (a) That approval be given to Zoning Application ZAR-95-16, 891157 Ontario Limited (R. Yates), owner, requesting removal of the 'H' - Holding provision under Section 36 of the Planning Act, to permit commercial development including a restaurant use, for property located at No. 1010-1024 Upper Wentworth Street, as shown on the attached map marked as Appendix "O". The 'H' - Holding provision was placed on the subject lands conditional upon the applicant/owner receiving Site Plan approval, and receiving approvals and amendments for access to the lands from Regional Council, as required by the Regional Roads Department, which conditions have now been satisfied; and,

APPENDIX B

DOMINION OF CANADA	)	**IN THE MATTER OF**
	)	**the amended Community Improvement**
Province of Ontario	)	**Plan for the Barton General Community**
	)	**Improvement Project Area**
Judicial District of	)	
	)	
Hamilton-Wentworth	)	
	)	
TO WIT:	)	

I, JOSEPH JOHN SCHATZ of the City of Hamilton in the Regional Municipality of Hamilton-Wentworth **DO SOLEMNLY DECLARE:-**

1. That I am the Clerk of the Corporation of the City of Hamilton and as such have knowledge of the matters herein deposed to.

2. That Notice of a Public Meeting for the purpose of informing the public in respect of the proposed amendments to the Community Improvement Plan for the Barton General Community Improvement Project Area was published in the Spectator, a newspaper having general circulation in the Regional Municipality of Hamilton on July 15, 1995, annexed hereto and marked Exhibit "A".

3. That a Public Meeting was held on August 2, 1995 at 7:00 o'clock p.m. at the Social Planning and Research building, West Avenue School, 255 West Avenue North, Hamilton, to review the amendments to the Community Improvement Plan.

AND I MAKE THIS solemn Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act".

DECLARED before me at the)
City of Hamilton)
in the Judicial District)
of Hamilton-Wentworth)

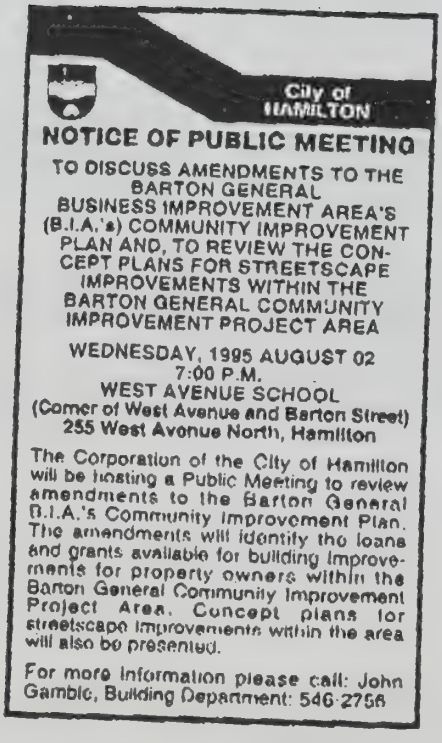
This day

of A.D. 1995

At Commissioner, etc.

E. Mason

ELDOREEN CARMEL MASON, a Commissioner, etc.,
Regional Municipality of Hamilton-Wentworth, for
The Corporation of the City of Hamilton.
Expires November 10, 1995.



City of HAMILTON

NOTICE OF PUBLIC MEETING

TO DISCUSS AMENDMENTS TO THE BARTON GENERAL BUSINESS IMPROVEMENT AREA'S (B.I.A.'s) COMMUNITY IMPROVEMENT PLAN AND, TO REVIEW THE CONCEPT PLANS FOR STREETSCAPE IMPROVEMENTS WITHIN THE BARTON GENERAL COMMUNITY IMPROVEMENT PROJECT AREA

WEDNESDAY, 1995 AUGUST 02
7:00 P.M.
WEST AVENUE SCHOOL
(Corner of West Avenue and Barton Street)
255 West Avenue North, Hamilton

The Corporation of the City of Hamilton will be hosting a Public Meeting to review amendments to the Barton General B.I.A.'s Community Improvement Plan. The amendments will identify the loans and grants available for building improvements for property owners within the Barton General Community Improvement Project Area. Concept plans for streetscape improvements within the area will also be presented.

For more information please call: John Gamble, Building Department: 546-2756

THIS IS EXHIBIT "A" REFERRED TO IN THE DECLARATION OF JOSEPH JOHN SCHATZ SWORN BEFORE ME THIS 8th DAY OF August A.D., 1995.

A COMMISSIONER, ETC.

E. Mason

ELDOREEN CARMEL MASON, a Commissioner, etc., Regional Municipality of Hamilton-Wentworth, for The Corporation of the City of Hamilton.
Expires November 10, 1995

CITY OF HAMILTON

- RECOMMENDATION -

D. (ii)

DATE: 1995 July 6

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
490 BURLINGTON STREET EAST
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 490 Burlington Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING:	K/S-727 (Map E-11)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Burlington Street Widening Project
BRIEF DESCRIPTION:	Two storey brick veneer house. Owner wishes to demolish dwelling for road widening purposes. No LACAC interest. Lot size 22' x 88'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

SH/zr

ND for SH.

CITY OF HAMILTON

- RECOMMENDATION -

D. (iii)

DATE: 1995 July 6

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
486 BURLINGTON STREET EAST
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 486 Burlington Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K/S-727 (Map E-11)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Burlington Street Widening Project

BRIEF DESCRIPTION: Two storey brick veneer house. Owner wishes to demolish existing house for road widening. No LACAC interest. Lot size 25' x 88'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

SH/zr

NID for SH.

CITY OF HAMILTON

- RECOMMENDATION -

D. (iv)

DATE: 1995 July 28

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
188 QUEEN STREET NORTH - Tag Number 94846
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to deny the demolition permit until a building permit has been issued to replace the subject building at 188 Queen Street North.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E/S-1206 (Map W-3)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Home for the Retired

BRIEF DESCRIPTION: Vacant 1 storey wood frame, old stock, residential single family dwelling. The house is poorly maintained and the roof leaks.

The owner has applied to demolish the existing building which is presently being used as single family dwelling. The subject building is located in the Central Area identified in the City Council Resolution passed on July 26, 1994 which states that appropriate conditions for Demolition Control under Section 33 of The Planning Act be applied. **The owner of the building has not applied for a building permit to replace the building which is to be demolished**.

Should Council refuse to issue a demolition permit, the Planning Act allows the owner to appeal Council's decision to the OMB.

.../2

PLEASE NOTE: Under previous ownership, this particular demolition permit for 186 Queen Street North was approved by the Planning and Development Committee on December 5, 1990 and approved by City Council on December 11, 1990. The permit could not be issued at that time due to the fact that a Form 4 was never submitted. There is now a new owner (who could not obtain written authorization from the previous owner in regards to transferring the existing demolition application and fees). Therefore, a new demolition application (permit) is required.

No LACAC interest. Lot size 83.160' x 176.800'.

The owner of the property as per the demolition permit is:

Eric Charles, In Trust
632 West Oval
Burlington, Ontario L7T 1B9

ND/zr

CITY OF HAMILTON

- RECOMMENDATION -

D. (v)

DATE: 1995 July 28

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
186 QUEEN STREET NORTH - Tag Number 94845
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to deny the demolition permit until a building permit has been issued to replace the subject building at 186 Queen Street North.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E/S-1206 (Map W-3)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Home for the Retired

BRIEF DESCRIPTION: Vacant 2 storey wood frame, old stock, residential dwelling. House is in poor condition.

The owner has applied to demolish the existing building which is presently being used as a single family dwelling. The subject building is located in the Central Area identified in the City Council Resolution passed on July 26, 1994 which states that appropriate conditions for Demolition Control under Section 33 of The Planning Act be applied. **The owner of the building has not applied for a building permit to replace the building which is to be demolished**.

Should Council refuse to issue a demolition permit, the Planning Act allows the owner to appeal Council's decision to the OMB.

.../2

PLEASE NOTE: Under previous ownership, this particular demolition permit for 186 Queen Street North was approved by the Planning and Development Committee on December 5, 1990 and approved by City Council on December 11, 1990. The permit could not be issued at that time due to the fact that a Form 4 was never submitted. There is now a new owner (who could not obtain written authorization from the previous owner in regards to transferring the existing demolition application and fees). Therefore, a new demolition application (permit) is required.

No LACAC interest. Lot size 83.160' x 176.800'.

The owner of the property as per the demolition permit is:

Eric Charles, In Trust
632 West Oval
Burlington, Ontario L7T 1B9

ND/zr

CITY OF HAMILTON

- RECOMMENDATION -

D. (vi)

DATE: 1995 July 28

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
60 CANNON STREET WEST - Tag Number 94650
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to deny the demolition permit until a building permit has been issued to replace the subject building at 60 Cannon Street West.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H (Map W-4)

PRESENT USE: Commercial/Residential

PROPOSED USE: Parking Lot

BRIEF DESCRIPTION: Vacant 1½ storey double brick and frame house. Fire damaged kitchen.

The owner has applied to demolish the existing building which is presently being used as a print shop/residence. The subject building is located in the Central Area identified in the City Council Resolution passed on July 26, 1994 which states that appropriate conditions for Demolition Control under Section 33 of The Planning Act be applied. **The owner of the building has not applied for a building permit to replace the building which is to be demolished.**

Should Council refuse to issue a demolition permit, the Planning Act allows the owner to appeal Council's decision to the OMB.

No LACAC interest. Lot size 28' x 78'.

The owner of the property as per the demolition permit is:

Dinh Hang
58 Cannon Street West
Hamilton, Ontario

ND/zr

E. (i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 August 14
(P5-2A)

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.,
Director of Planning and Development

J.G. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Neighbourhood Plan Amendments - 1994/95 Housekeeping Review

RECOMMENDATION:

That approval be given to the following Neighbourhood Plan amendments:

a) That the approved Gershome Neighbourhood Plan be amended by redesignating the lands shown on Appendix "A" as Block 1 from "Commercial" to "Attached Housing".

b) That the approved Fessenden Neighbourhood Plan be amended by redesignating the lands shown on Appendix "B" as Block 1 from "Attached Housing" to "Open Space" and labelled as a "Public Walkway".

c) That the approved Crerar Neighbourhood Plan be amended by redesignating the lands shown on Appendix "C" as Block 1 from "Single & Double" to "Civic & Institutional".

d) That the approved Butler Neighbourhood Plan be amended by redesignating the lands shown on Appendix "D" as Block 1 from "Commercial" to "Medium Density Apartments".

e) That the approved Kentley Neighbourhood Plan be amended by redesignating the lands shown on Appendix "E" as Block 1 from "Open Space" to "Commercial".

f) That the approved Chappel East Neighbourhood Plan be amended by redesignating the lands shown on Appendix "F" as Block 1 from "Low Density Apartments" to "Attached Housing".

g) That the approved Chappel West Neighbourhood Plan be amended by redesignating the lands shown on Appendix "G" as Block 1 from "Low Density Apartments" to "Attached Housing".

h) That the approved Corktown Neighbourhood Plan be amended by redesignating the lands shown on Appendix "H" as Block 1 from "Commercial" to "Utilities" and Block 2 from "Industrial" to "Utilities".

i) That the approved Barnstown Neighbourhood Plan be amended by redesignating the lands shown on Appendix "I" as Block 1 from "Low Density Apartments" to "Attached Housing".

j) That the approved Jerome Neighbourhood Plan be amended by redesignating the lands shown on Appendix "J" as Block 1 from "Low Density Apartments" to "Attached Housing" and Block 2 from "Medium Density Apartments" to "Attached Housing".

k) That the approved Strathcona Neighbourhood Plan be amended by redesignating the lands shown on Appendix "K" as Block 1 from "Medium Density Apartments" to "Commercial" and Blocks 2 & 3 from "Park & Recreational" to "Single & Double".

l) That the approved Gibson Neighbourhood Plan be amended be redesignating the lands shown on Appendix "L" as Block 1 from "Utilities" to "Park & Recreational" and Block 2 from "Park & Recreational" to "Single & Double".

m) That the approved Kirkendall South Neighbourhood Plan be amended be redesignating the lands shown on Appendix "M" as Block 1 from "Open Space" to "Park & Recreational".

n) That the approved Riverdale East Neighbourhood Plan be amended by redesignating the lands shown on Appendix "N" as Block 1 from "Park & Recreational" to "Open Space".

o) That the approved Riverdale West Neighbourhood Plan be amended by redesignating the lands shown on Appendix "O" as Block 1 from "Park & Recreational" to "Open Space".

p) That the approved Red Hill Neighbourhood Plan be amended by redesignating the lands shown on Appendix "P" as Block 1 from "Park & Recreational" to "Open Space".

q) That the Approved Vincent Neighbourhood Plan be amended by redesignating the lands shown on Appendix "Q" as Blocks 1 & 2 from "Open Space" to "Park & Recreational".

EXPLANATORY NOTE:

The purpose for the amendments to the Neighbourhood Plans is to recognize current land use which will remain for the indeterminate future and to redesignate properties which are no longer appropriate for the designated use.

These amendments have been identified through administration of Neighbourhood Plans, and are part of the housekeeping process.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Through the administration of Neighbourhood Plans, a number of designation inconsistencies have been identified. In most cases, the Neighbourhood Plan designation does not accurately reflect existing land use. For example, due to market conditions, a site may be developed for "Attached Housing" rather than "Low Density Apartments" as designated in the Neighbourhood Plan. These changes have occurred without requiring a zoning change, at which time Neighbourhood Plan redesignations normally occur.

In other cases, adjacent development has made a Neighbourhood Plan designation inappropriate. For example, a block of land designated for "Attached Housing" may be developed with a single family lot remaining. Since this lot can no longer be developed for row housing it should be redesignated for a more appropriate use (i.e. "Single and Double"). To leave the "Attached Housing " designation would be misleading.

The Parks Staff Committee recently undertook a review of Parks as designated on approved Neighbourhood Plans throughout the City. A number of inconsistencies were discovered related to current and historic use, as well as suitability. The attached Table 1 outlines reasons for changing the designations.

COMMENTS:

In order to avoid misconceptions and to accurately reflect preferred land uses, a number of Neighbourhood Plan amendments are proposed. All approved Neighbourhood Plans are on display in the foyer of the Planning Department and are extensively used by the public, staff and others. It is therefore important to keep them up to date and relevant. These amendments, and reasons for the changes, are outlined in Table 1 on pages 4, 5 & 6.

CONCLUSION:

Based on the above, the proposed Neighbourhood Plan amendments can be supported.

JG/

Neighbourhood Plan Amendments - Housekeeping 1994/95

Neighbourhood	Location of Amendment	Existing Designation	Proposed Designation	Reason for Change
Gershome	Lands located on the southwest corner of King St. East and Greenhill Avenue	Commercial	Attached Housing	The lands were developed for Townhouses which were then permitted in the "G" District
Fessenden	Public Walkway located between Fonthill Road and Upper Paradise Road	Attached Housing	Public Walkway	The walkway was purchased by the City and should be shown on the Approved Plan as a Public Walkway
Crerar	1347, 1349 Upper Wellington St.	Single & Double	Civic & Institutional	The subject lands can no longer be developed for "Single & Double" due to the development north of the subject lands
Butler	Northwest corner of Stone Church Road East and Upper Wentworth St.	Commercial	Medium Density Apartments	Rezoning repealed by O.M.B decision
Kentley	Easterly portion of the proposed 15' planting strip located at the rear of 2444 Barton St. East	Open Space	Commercial	Not required since lands south of the proposed planting strip were included as parking with lands developed to the north
Chappel East	Northwest corner of Rymal Road West and Upper Wentworth St.	Low Density Apartments	Attached Housing	Lands were developed for townhouses (permitted in current "DE" District)
Chappel West	Northeast corner of Rymal Road West and Upper Wentworth St.	Low Density Apartments	Attached Housing	Lands were developed for townhouses (permitted in current "DE" District)

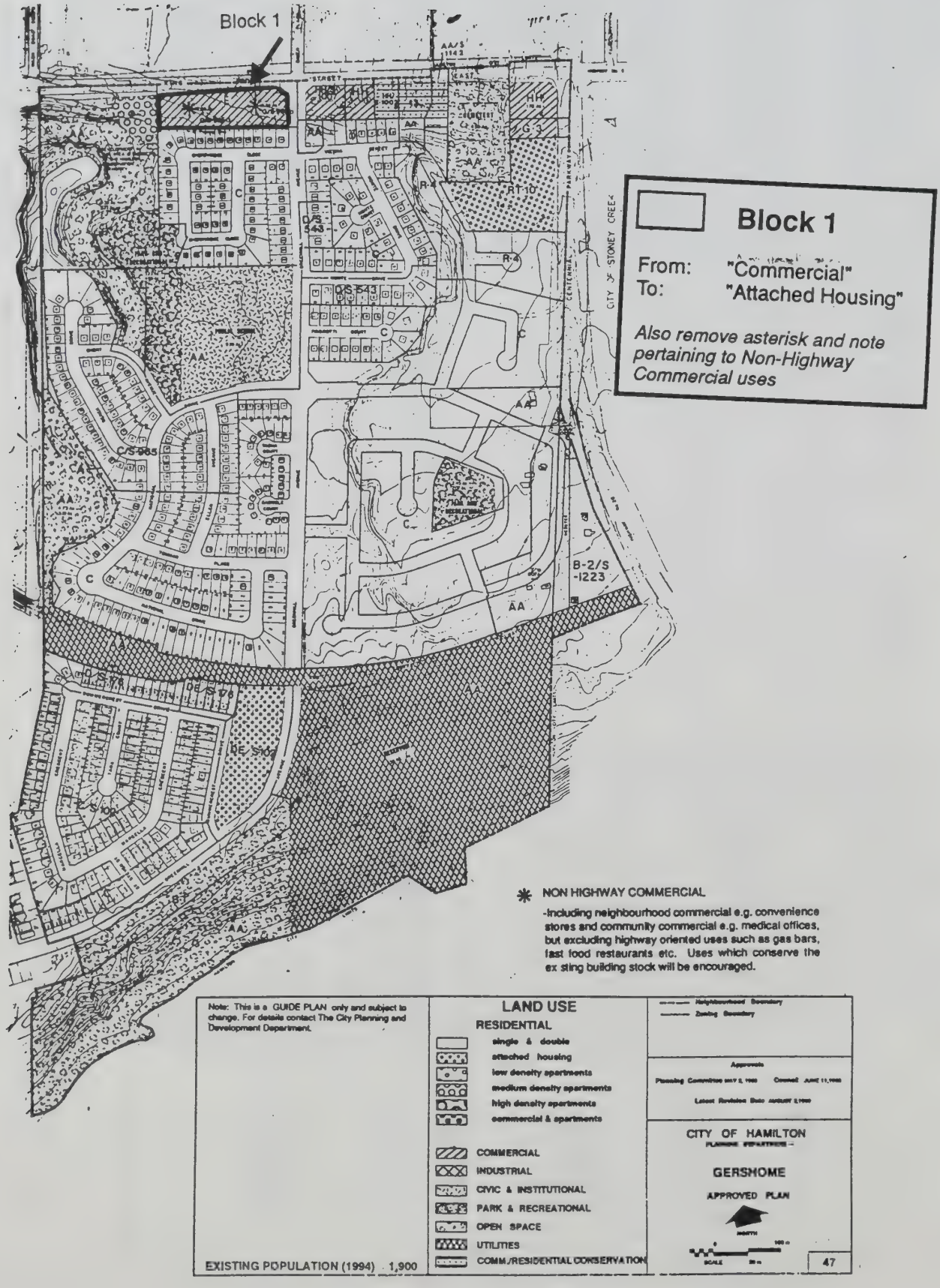
Table 1 cont'd

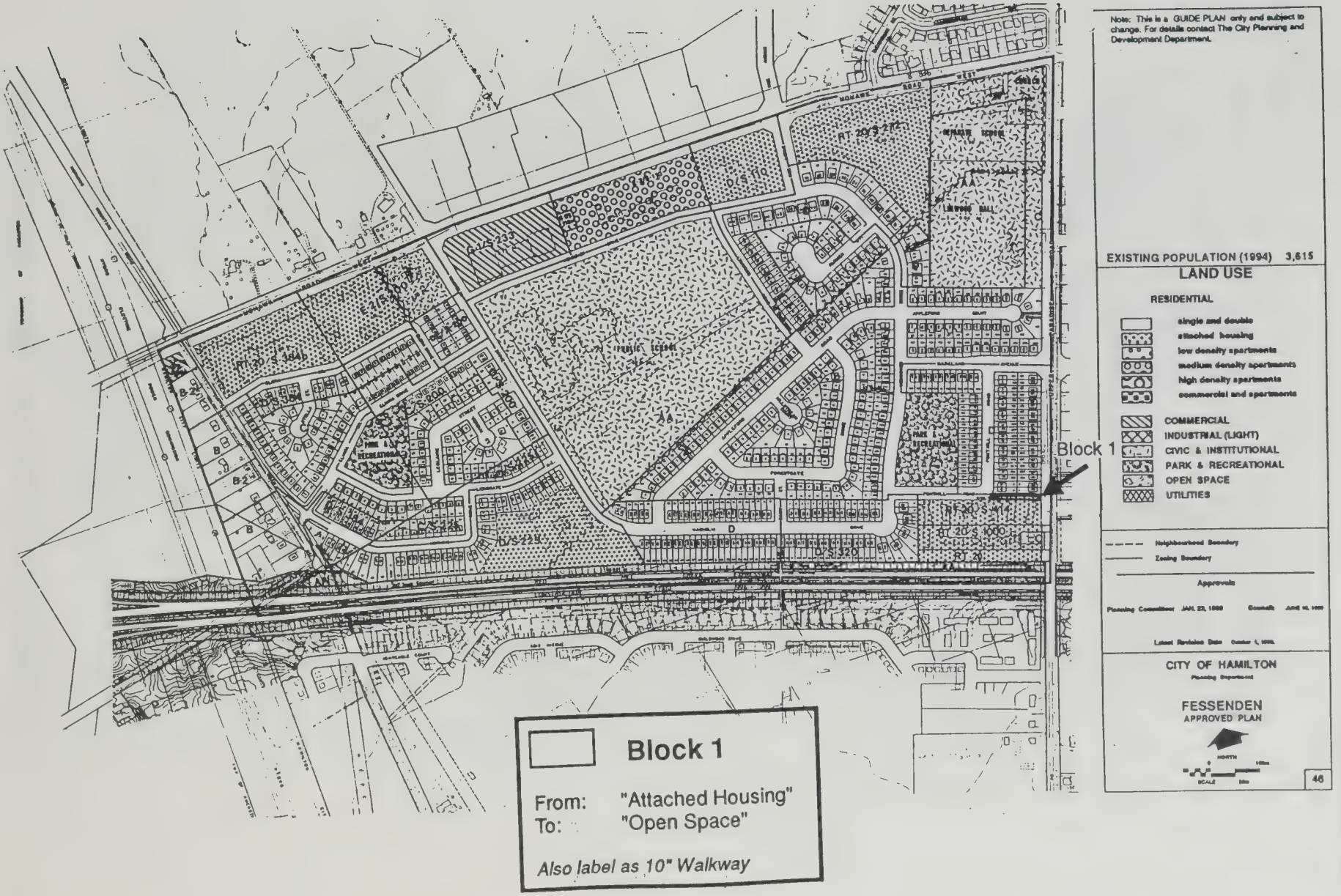
Corktown	Hamilton GO Centre and C.N.R. rail lines	Commercial & Industrial	Utilities	More appropriately describes GO Centre land use
Barnstown	Lands located at the corner of Upper Wellington St. and Dragoon Drive	Low Density Apartments	Attached Housing	Lands were developed for townhouses (permitted in current "E-2" District Modified)
Jerome	Lands located at the corner of Upper Wellington St. and Towercrest Drive	Low Density Apartments and Medium Density Apartments	Attached Housing	Lands were developed for townhouses (permitted in current "E-2" District Modified)
Strathcona	Northeast corner of Main St. West and Dundurn St. South	Medium Density Apartments	Commercial	Lands were developed for commercial - "Taco Bell" under current zoning
Strathcona	Lands located at the corner of New St. and Edison St.	Park & Recreational	Single & Double	Lands have historically been used for single-family development & are not required for neighbourhood park purposes
Strathcona	Lands located on Pearl St. South, between George St. and Nelson St.	Park & Recreational	Single & Double	Lands have historically been used for single-family development & are not required for neighbourhood park purposes
Gibson	Lands located on the west side of Birch Avenue, between Barton St. East and Princess St.	Utilities	Park & Recreational	Lands are owned by the City and used for park purposes
Gibson	Lands located on the east side of Birch Avenue, north of Birch Avenue School, between Barton St. East and Princess St.	Park & Recreational	Single & Double	Lands have historically been used for single-family development & are not required for neighbourhood park purposes

Table 1 cont'd

Kirkendall South	lands located on the south side of Hillcrest Avenue, east of Dundurn St. South	Open Space	Park & Recreational	The lands are Reservoir Park and used for park purposes
Riverdale East	Lands located on the west side of Bow Valley Drive, south of Vittorito Avenue	Park and Recreational	Open Space	The lands are not suitable for park use due to valley land
Riverdale West	Lands located at the southeast corner of Barton St. East and Lake Avenue	Park and Recreational	Open Space	The lands are not suitable for park use due to valley land
Red Hill	Lands located northwest of Red Hill Public School	Park & Recreational	Open Space	The lands are not suitable for inclusion in the adjoining park - this designation accurately reflects the land use
Vincent	Lands located on the north side of Greenhill Avenue, between Putting Place and Quigley Road	Open Space	Park & Recreational	The lands are used by the Parks Division for park purposes and should be recognized in the neighbourhood plan
Vincent	Lands located on the south side of Country Club Drive, west of Alto Drive	Open Space	Park & Recreational	The lands are used by the Parks Division for park purposes and should be recognized in the neighbourhood plan

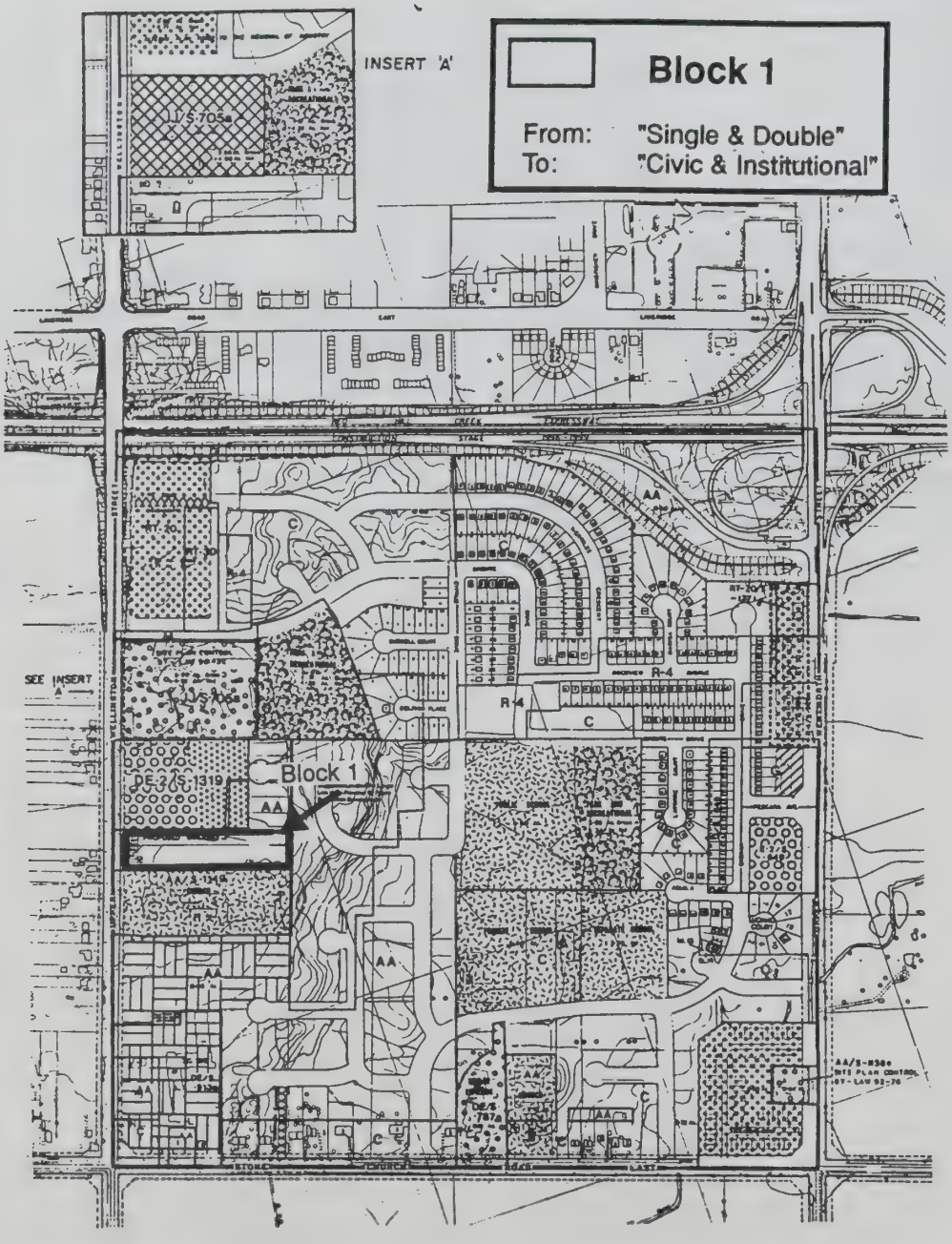
APPENDIX "A"


Block 1
Block 1
From: "Commercial"
To: "Attached Housing"
Also remove asterisk and note pertaining to Non-Highway Commercial uses
CITY OF STONEY CREEK
CENTENNIAL PARKWAY
R-4
RT-10
G-2
OS-543
OS-565
OS-576
B-2/S-1223
AA
C
NON HIGHWAY COMMERCIAL
-Including neighbourhood commercial e.g. convenience stores and community commercial e.g. medical offices, but excluding highway oriented uses such as gas bars, fast food restaurants etc. Uses which conserve the ex sting building stock will be encouraged.
Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.
EXISTING POPULATION (1994) 1,900
LAND USE
RESIDENTIAL
single & double
attached housing
low density apartments
medium density apartments
high density apartments
commercial & apartments
COMMERCIAL
INDUSTRIAL
CIVIC & INSTITUTIONAL
PARK & RECREATIONAL
OPEN SPACE
UTILITIES
COMM./RESIDENTIAL CONSERVATION
Neighbourhood Boundary
Zoning Boundary
Approvals
CITY OF HAMILTON
GERSHOME
APPROVED PLAN
47


Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.
EXISTING POPULATION (1994) 3,615
LAND USE
RESIDENTIAL
single and double
attached housing
low density apartments
medium density apartments
high density apartments
commercial and apartments
COMMERCIAL
INDUSTRIAL (LIGHT)
CIVIC & INSTITUTIONAL
PARK & RECREATIONAL
OPEN SPACE
UTILITIES
Neighbourhood Boundary
Zoning Boundary
Approvals
CITY OF HAMILTON
FESSENDEN
APPROVED PLAN
46
Block 1
Block 1
From: "Attached Housing"
To: "Open Space"
Also label as 10" Walkway

APPENDIX "B"

APPENDIX "C"



Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

LEGEND

---- Sewer Services From Interior Systems Because that Section of Upper Wentworth Will Not be Serviced.

EXISTING POPULATION (1994) 1,295

LAND USE

RESIDENTIAL
- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- INSTITUTIONAL & SPECIAL HOUSING

---- Neighbourhood Boundary
—— Zoning Boundary

Approvals

Latest Revision Date NOV. 9, 1993

CITY OF HAMILTON
PLANNING DEPARTMENT

CRERAR

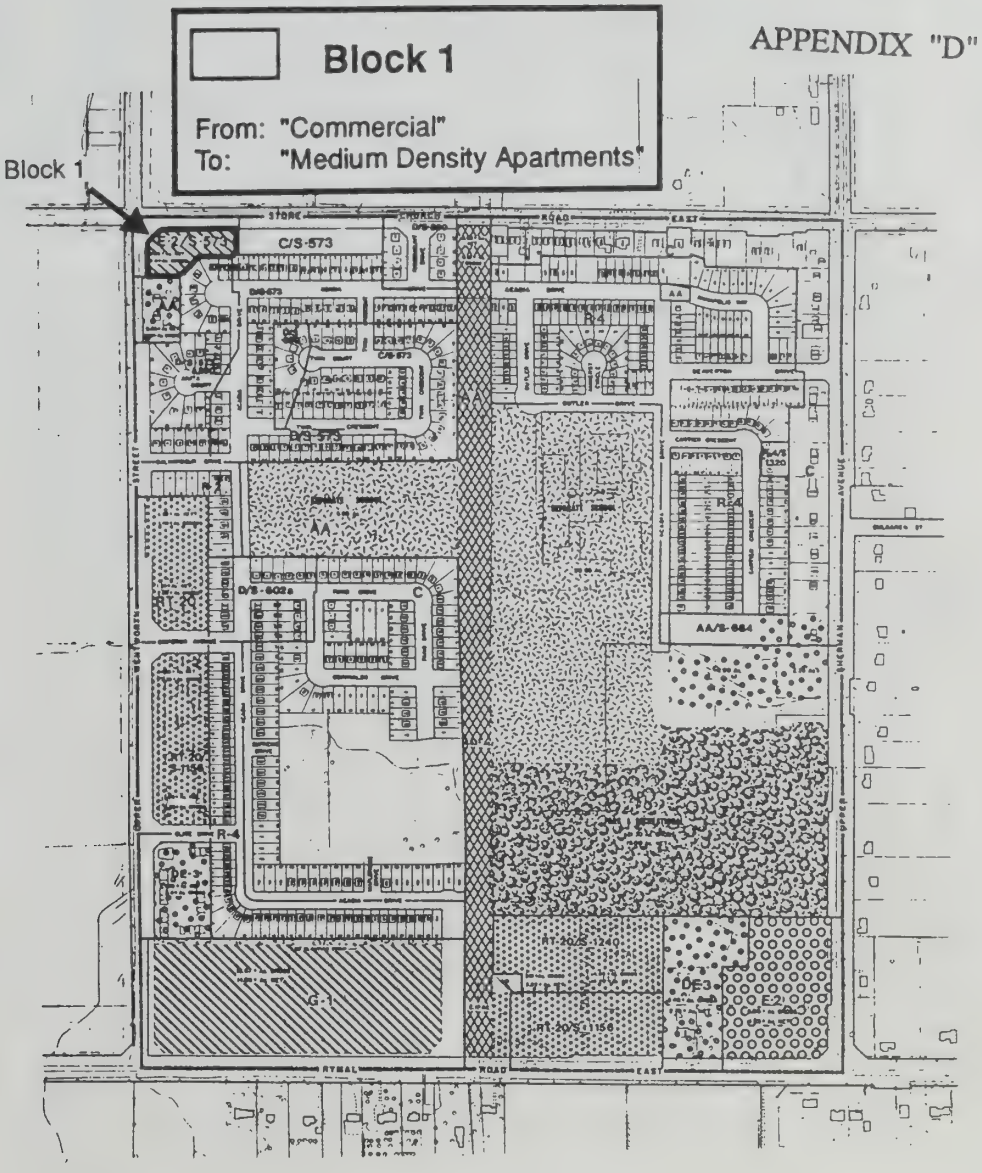
APPROVED PLAN

NORTH

SCALE

33

APPENDIX "D"



Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

EXISTING POPULATION (1994) 2078

LAND USE

RESIDENTIAL
- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

Neighbourhood Boundary
Zoning Boundary

Approvals
Planning Committee April 29, 1976
Council June 29, 1976
Latest Revision Date April 16, 1995

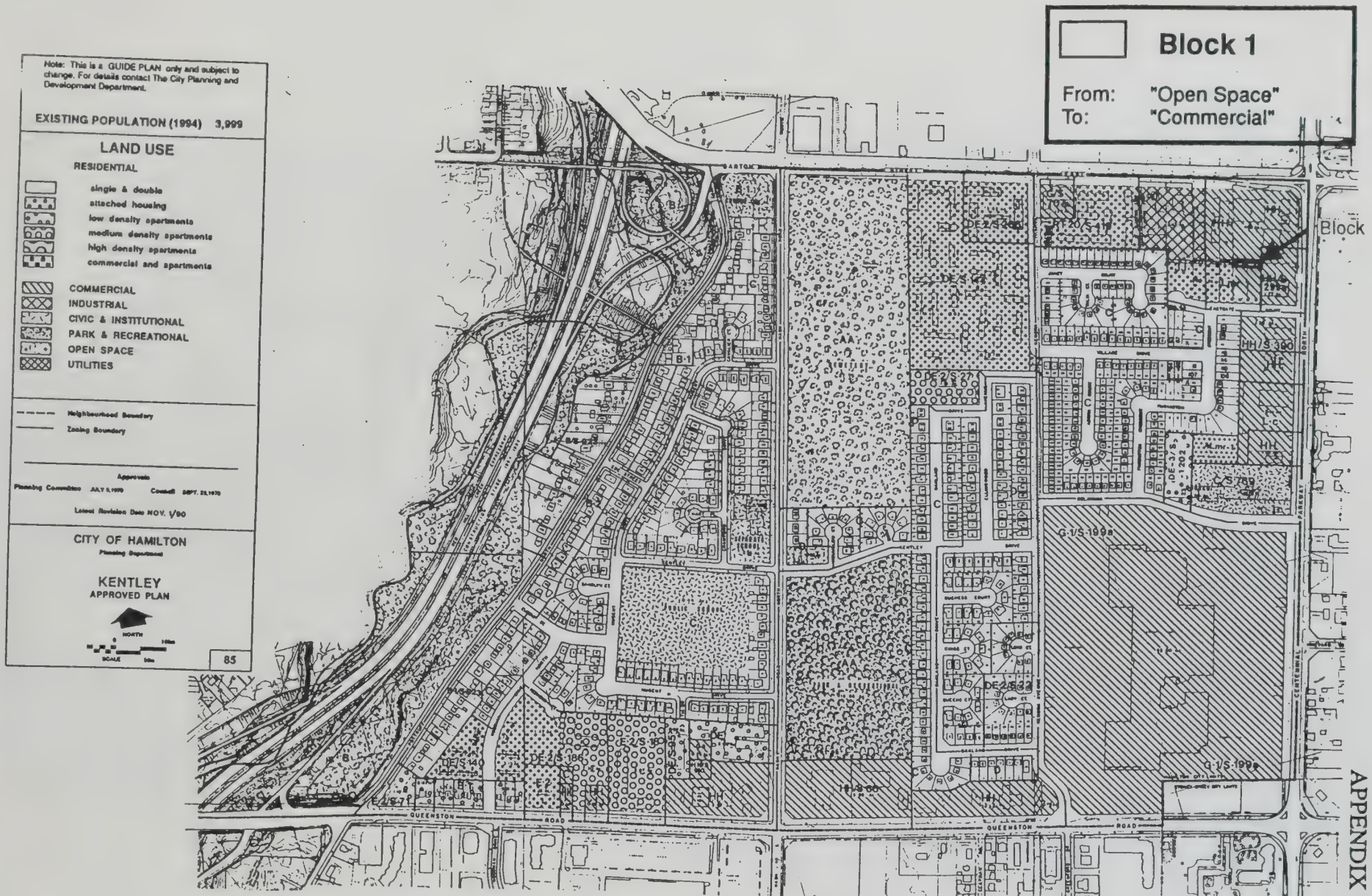
CITY OF HAMILTON
Planning Department

BUTLER
APPROVED PLAN

NORTH

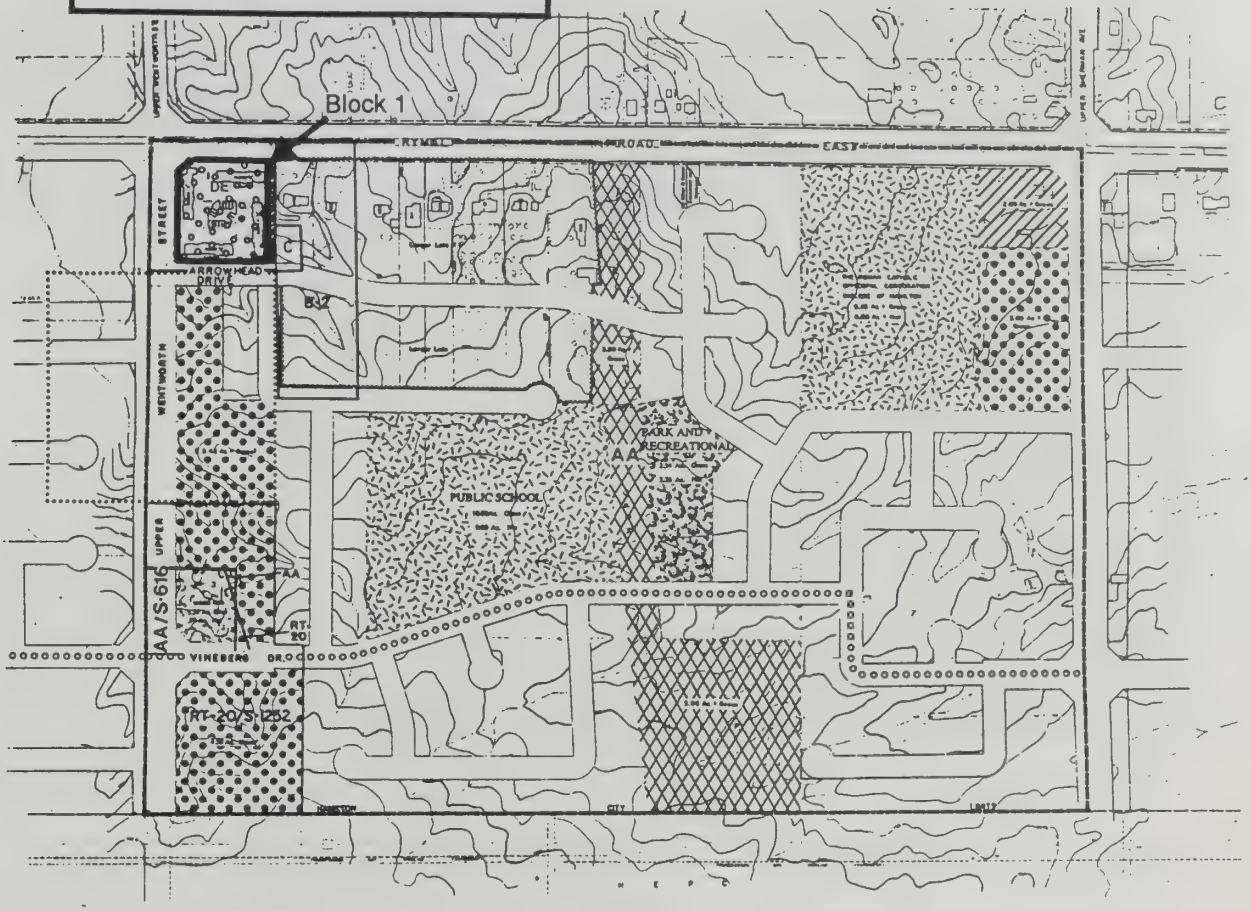
0 50m 100m

19


Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.
EXISTING POPULATION (1994) 3,999
LAND USE
RESIDENTIAL
single & double
attached housing
low density apartments
medium density apartments
high density apartments
commercial and apartments
COMMERCIAL
INDUSTRIAL
CIVIC & INSTITUTIONAL
PARK & RECREATIONAL
OPEN SPACE
UTILITIES
Neighbourhood Boundary
Zoning Boundary
Approvals
Planning Committee JULY 5,1990 Council SEPT. 25,1990
Latest Revision Date NOV. 1/90
CITY OF HAMILTON
Planning Department
KENTLEY
APPROVED PLAN
NORTH
SCALE
85
Block 1
From: "Open Space"
To: "Commercial"
Block 1
QUEENSTON ROAD
QUEENSTON ROAD
APPENDIX "E"

Block 1

From: "Low Density Apartments"
To: "Attached Housing"



Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

LEGEND:

- Board of Education for the City of Hamilton Existing School Sites
- Possible Bike Route
- Area of Larger Lotes

EXISTING POPULATION (1994) 43

LAND USE

RESIDENTIAL
- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

Approvals
Planning Comm. Date NOV. 1, 1989 Council NOV. 4, 1989
Latest Revision Date NOV. 29, 1989

CITY OF HAMILTON
PLANNING DEPARTMENT

CHAPPEL EAST

APPROVED PLAN

NORTH

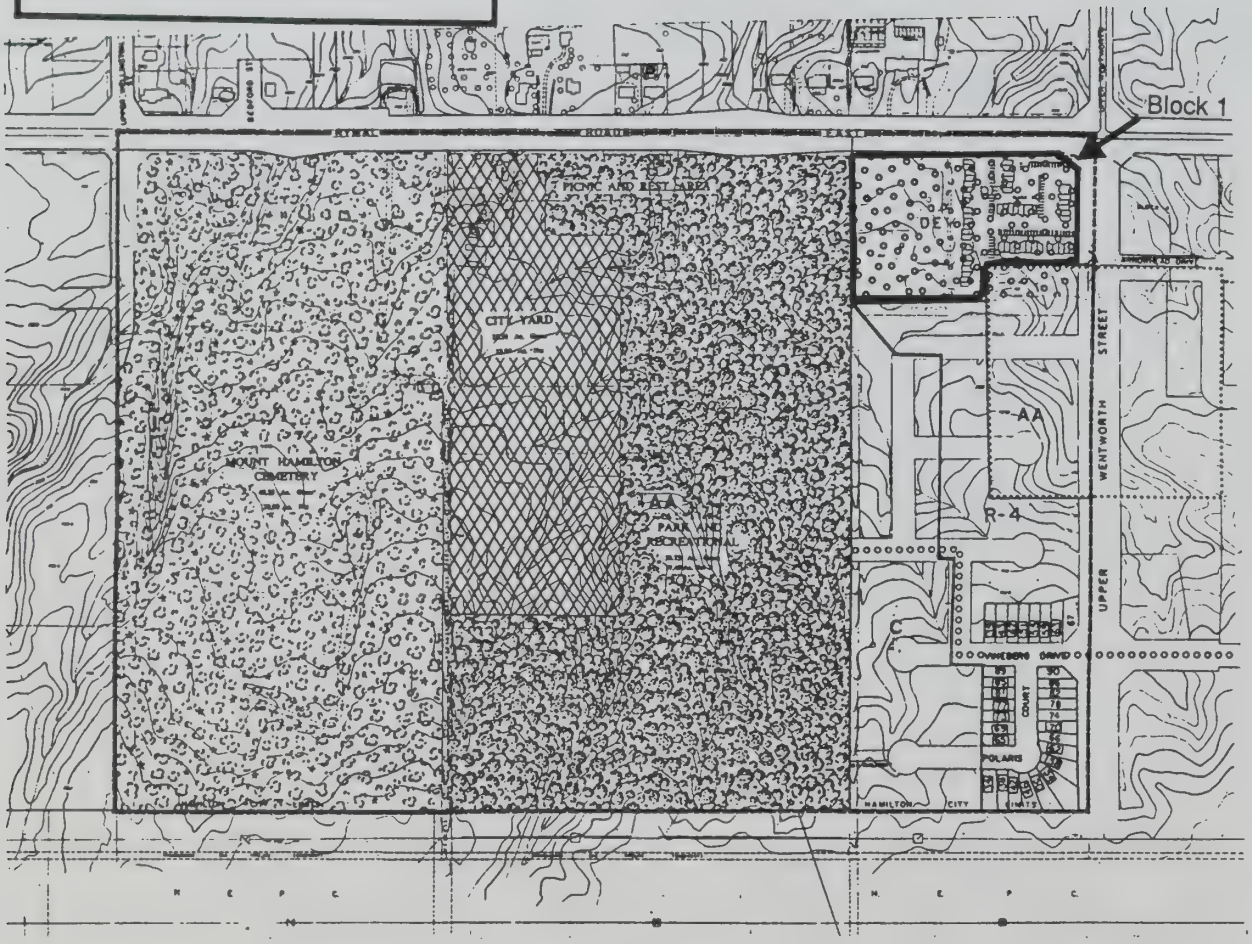
SCALE 0 100 m

23

APPENDIX "G"

Block 1

From: "Low Density Apartments"
To: "Attached Housing"



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LEGEND:

..... Board of Education for the City of Hamilton Existing School Sites

o o o o o o o o o Possible Bike Route

EXISTING POPULATION (1994) 457

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

Neighbourhood Boundary
Zoning Boundary

Approved
Planning Committee NOV. 1, 1989 Council NOV. 14, 1989
Latest Revision Date NOV. 29, 1989

CITY OF HAMILTON
PLANNING DEPARTMENT

CHAPPEL WEST

APPROVED PLAN

NORTH

0 100 m
SCALE 50 m

24

Block 1

From: "Commercial"
To: "Utilities"

Block 2

From: "Industrial"
To: "Utilities"



Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

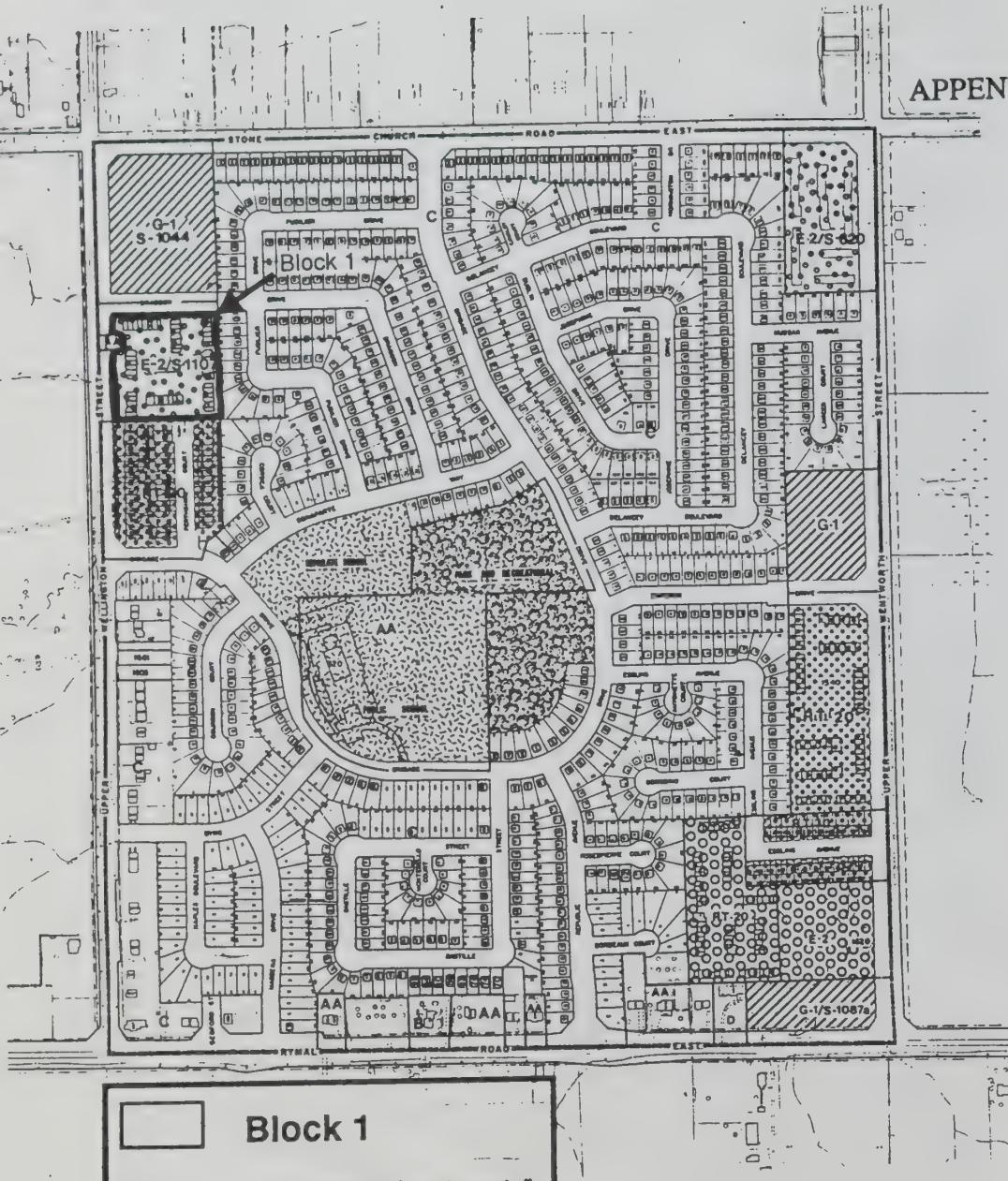
Land Use

CORKTOWN – 31

APPROVED PLAN

EXISTING POPULATION (1994) 6,325

APPENDIX "I"



Block 1

From: "Low Density Apartments"
To: "Attached Housing"

Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

EXISTING POPULATION (1994) 3,767

LAND USE

RESIDENTIAL
- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

Neighbourhood Boundary
Zoning Boundary

Approvals
Planning Committee APRIL 12, 1978 Council MAY 8, 1978
Latest Revision Date SEPT. 12, 1994

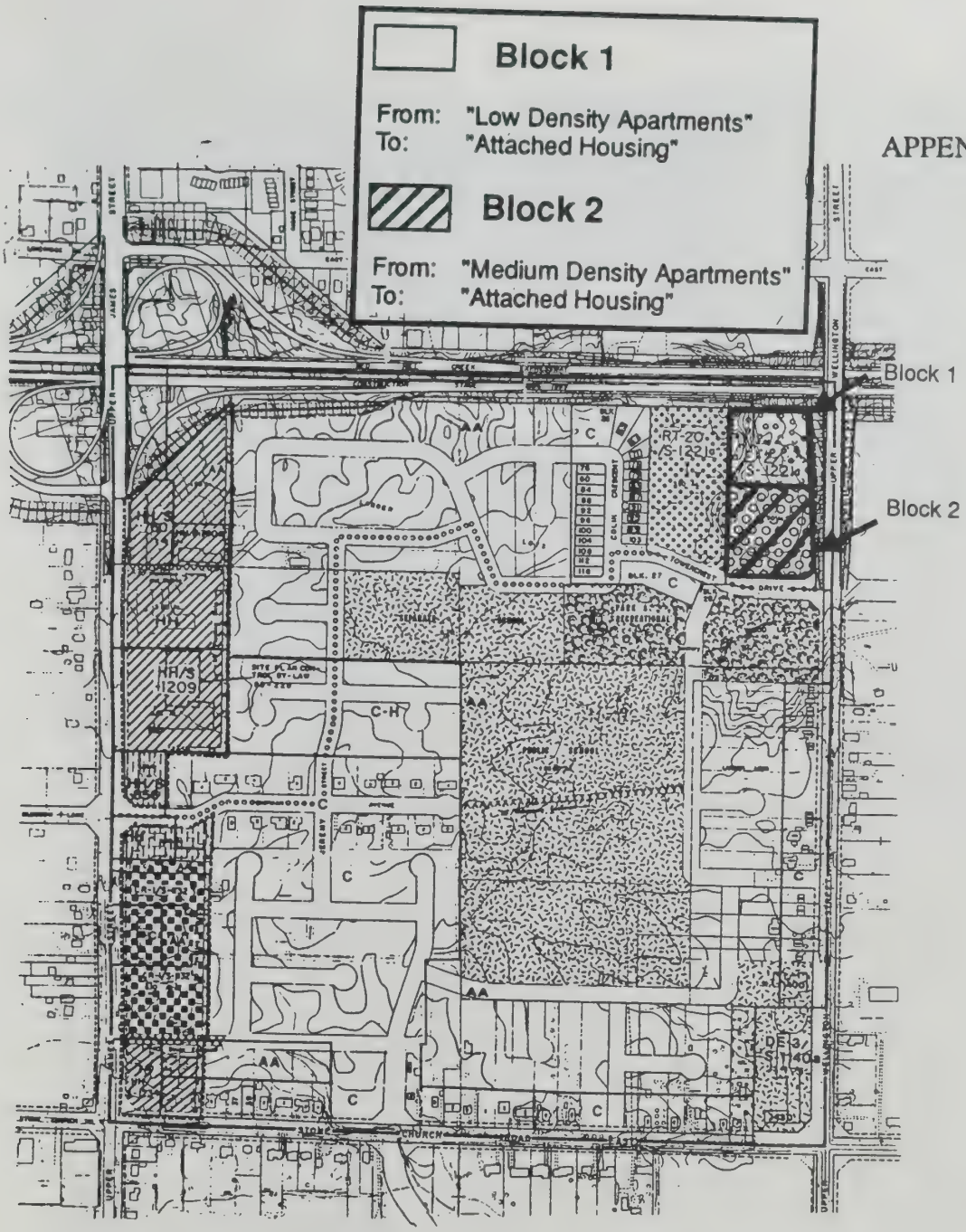
CITY OF HAMILTON
PLANNING DEPARTMENT

BARNSTOWN
APPROVED PLAN

NORTH
SCALE

8

APPENDIX "J"



Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

LEGEND:

- SEPERATE SCHOOL LANDS
- PUBLIC SCHOOL LANDS
- FORMER SANITARY LANDFILL SITE
- POSSIBLE BIKEWAY ROUTE
- AREA SUBJECT TO URBAN DESIGN GUIDELINES

* No access permitted to Chipman Avenue and to be development in conjuction with the frontage on Upper James Street.

EXISTING POPULATION (1994) 514

LAND USE

RESIDENTIAL
- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL (GENERAL)
- NEIGHBOURHOOD COMMERCIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- INSTITUTIONAL & RECREATIONAL

Neighbourhood Boundary
Zoning Boundary

Approvals
Planning Committee JUNE 14, 1994 Council JUNE 28, 1994
Latest Revision Date OCTOBER 1, 1996

CITY OF HAMILTON
PLANNING DEPARTMENT

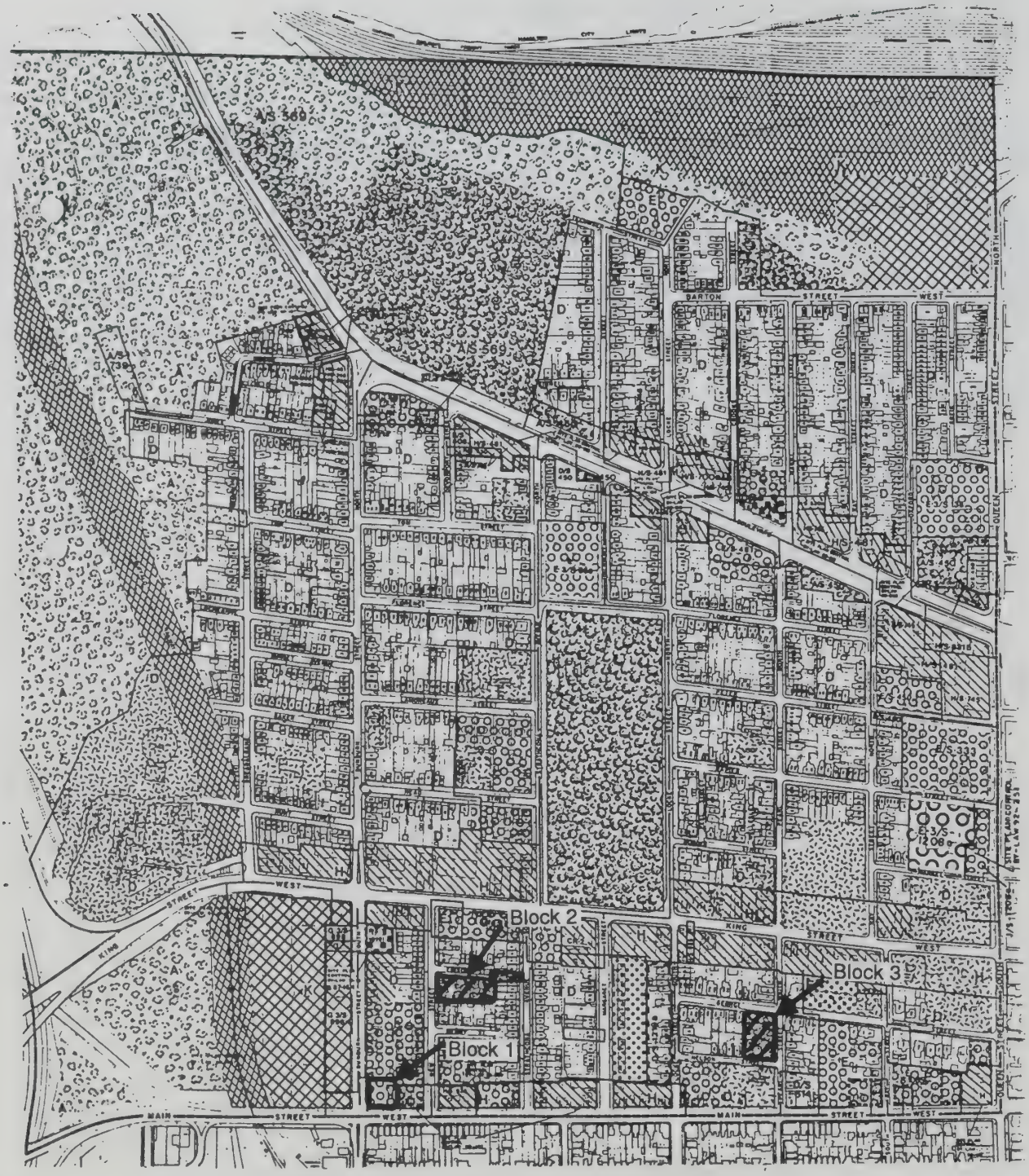
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APPROVED PLAN

NORTH

SCALE

82



Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

3.0 metre front yard setbacks for new development on the west side of Locke Street South between Main Street and King Street.

Selected commercial uses as listed will be permitted and subject to site plan control:

Professional offices, photographers or artists studio, barbershop or hairdressing establishment, tailors shop or dressmakers shop, millinery shop, beauty parlour, wearing apparel workshop, cafe, restaurant, antique shop, furniture store or book shop.

Refer to City Council Minutes
Date: June 24, 1980

EXISTING POPULATION (1994) 7,282

LAND USE

RESIDENTIAL
- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

Neighbourhood Boundary
Zoning Boundary

Approvals
Planning Committee AUG. 21,1972 Council AUG. 29, 1972
Latest Revision Date March 14, 1995

CITY OF HAMILTON
PLANNING DEPARTMENT

STRATHCONA

APPROVED PLAN

SCALE

127

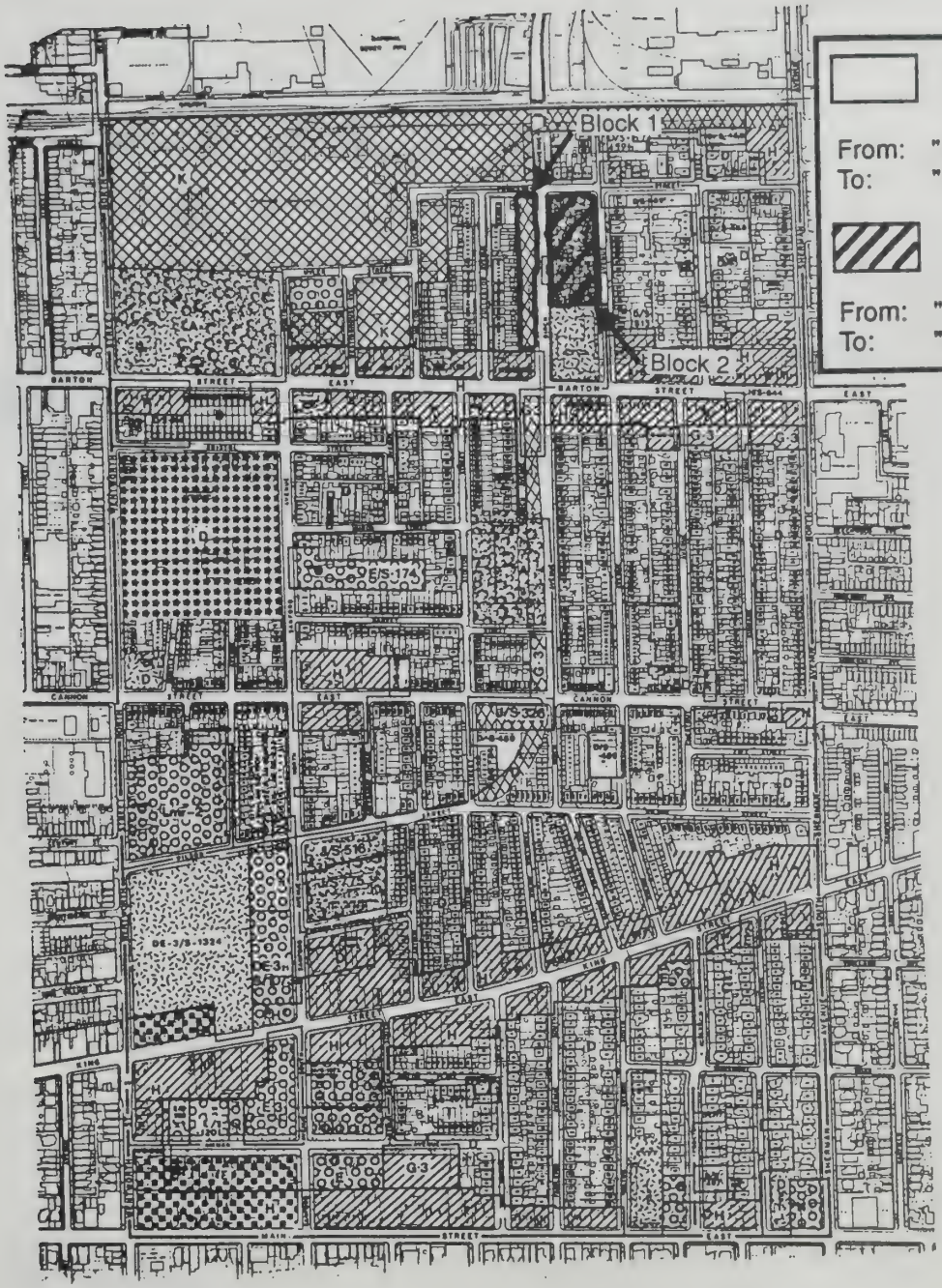
Block 1

From: "Medium Density Apa[illegible]nt
To: "Commercial"

Blocks 2 & 3

From: "Park & Recreational"
To: "Single & Double"

APPENDIX "L"



Block 1

From: "Utilities"
To: "Park & Recreational"

Block 2

From: "Park & Recreational"
To: "Single & Double"

Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

NOTE: Existing "non-obnoxious" industries will be dealt with by an individual control Zoning By-law which may permit some expansion.

EXISTING POPULATION (1994) 7,640

LAND USE

RESIDENTIAL
- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

COMMERCIAL
INDUSTRIAL
CIVIC & INSTITUTIONAL
PARK & RECREATIONAL
OPEN SPACE
UTILITIES
MULTICENTRE

Neighbourhood Boundary
Zoning Boundary

Approvals
Planning Committee
Council
Latest Revision Date October 30, 1990

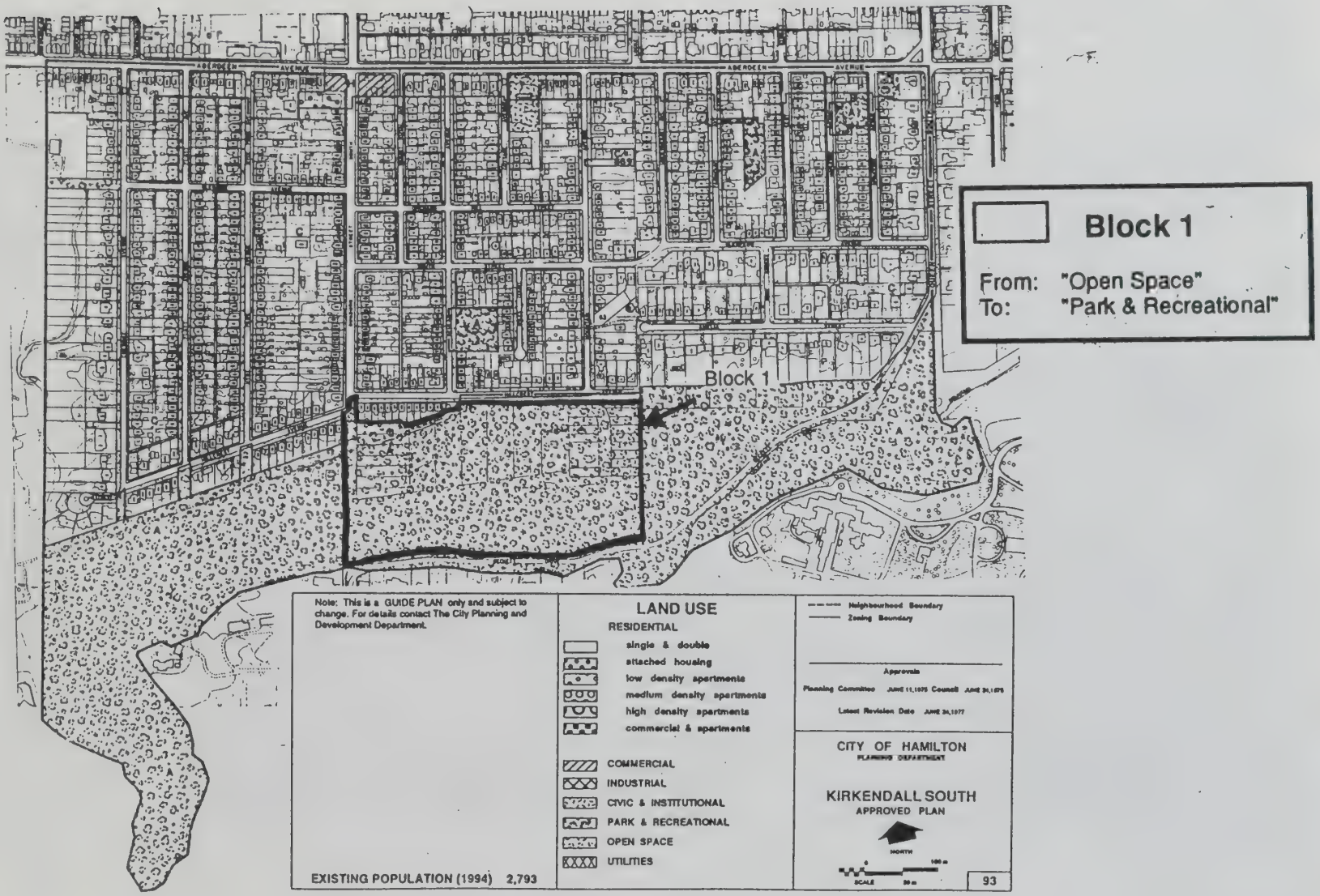
CITY OF HAMILTON
PLANNING DEPARTMENT

GIBSON
APPROVED PLAN

NORTH

SCALE

48

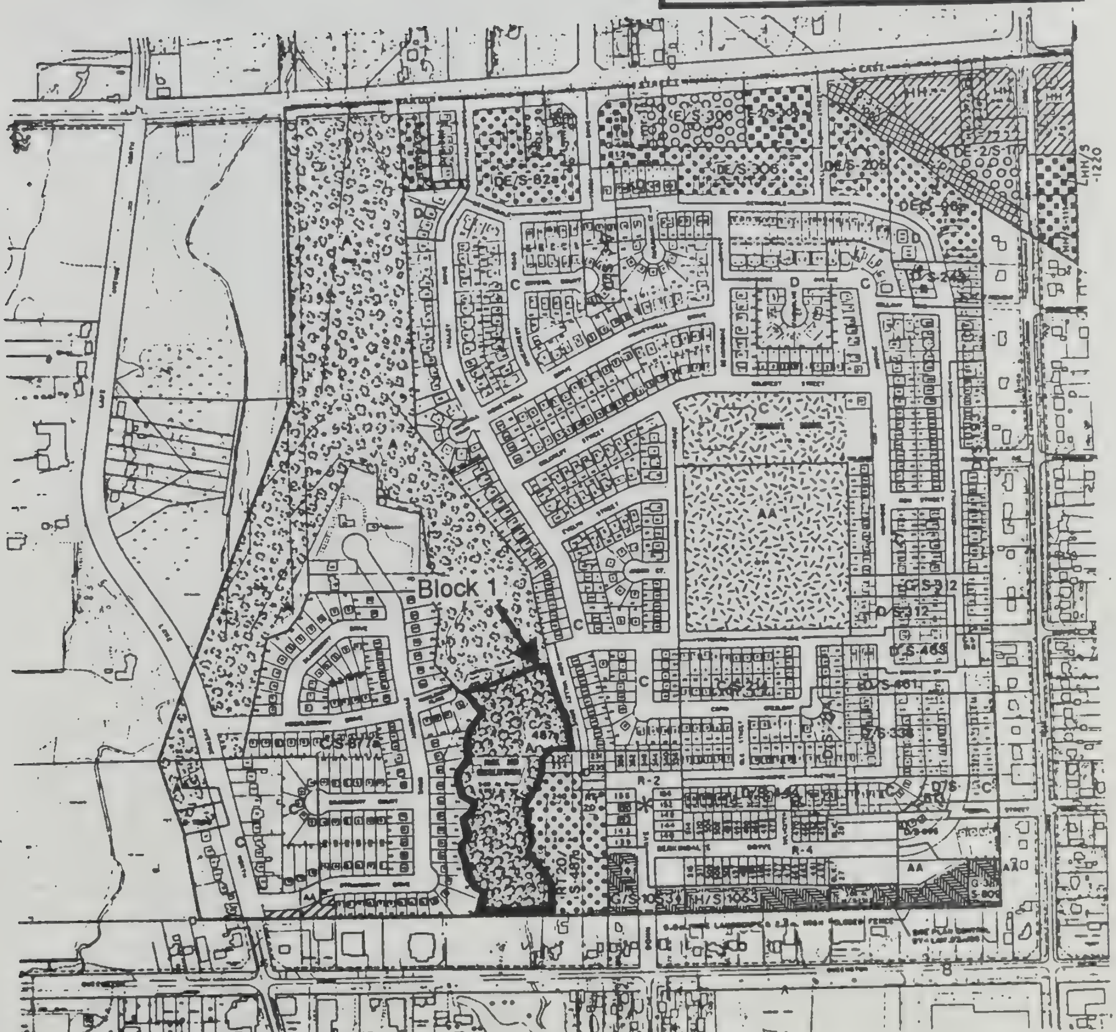

Block 1
From: "Open Space"
To: "Park & Recreational"
Block 1
Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.
EXISTING POPULATION (1994) 2,793
LAND USE
RESIDENTIAL
single & double
attached housing
low density apartments
medium density apartments
high density apartments
commercial & apartments
COMMERCIAL
INDUSTRIAL
CIVIC & INSTITUTIONAL
PARK & RECREATIONAL
OPEN SPACE
UTILITIES
Neighbourhood Boundary
Zoning Boundary
Approvals
Latest Revision Date JUNE 24,1977
CITY OF HAMILTON
KIRKENDALL SOUTH
APPROVED PLAN
93

APPENDIX "M"

APPENDIX "N"

Block 1

From: "Park & Recreational"
To: "Open Space"



Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

◆ NON HIGHWAY COMMERCIAL

-including neighbourhood commercial e.g. convenience stores and community commercial but excluding restaurants or refreshments rooms, laundry or dry cleaning establishments and storage garages.

* NOTE:
Item 23 of the twentieth report of the transport & environment committe which was adopted by city council at its meeting held Tuesday, December 11, 1984.

EXISTING POPULATION (1994) 3,786

LAND USE

RESIDENTIAL
- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- COMMERCIAL - SPECIAL PROVISIONS

Neighbourhood Boundary
Zoning Boundary

Approvals

Latest Revision Date SEPT. 12, 1994

CITY OF HAMILTON
PLANNING DEPARTMENT

RIVERDALE EAST
APPROVED PLAN

NORTH

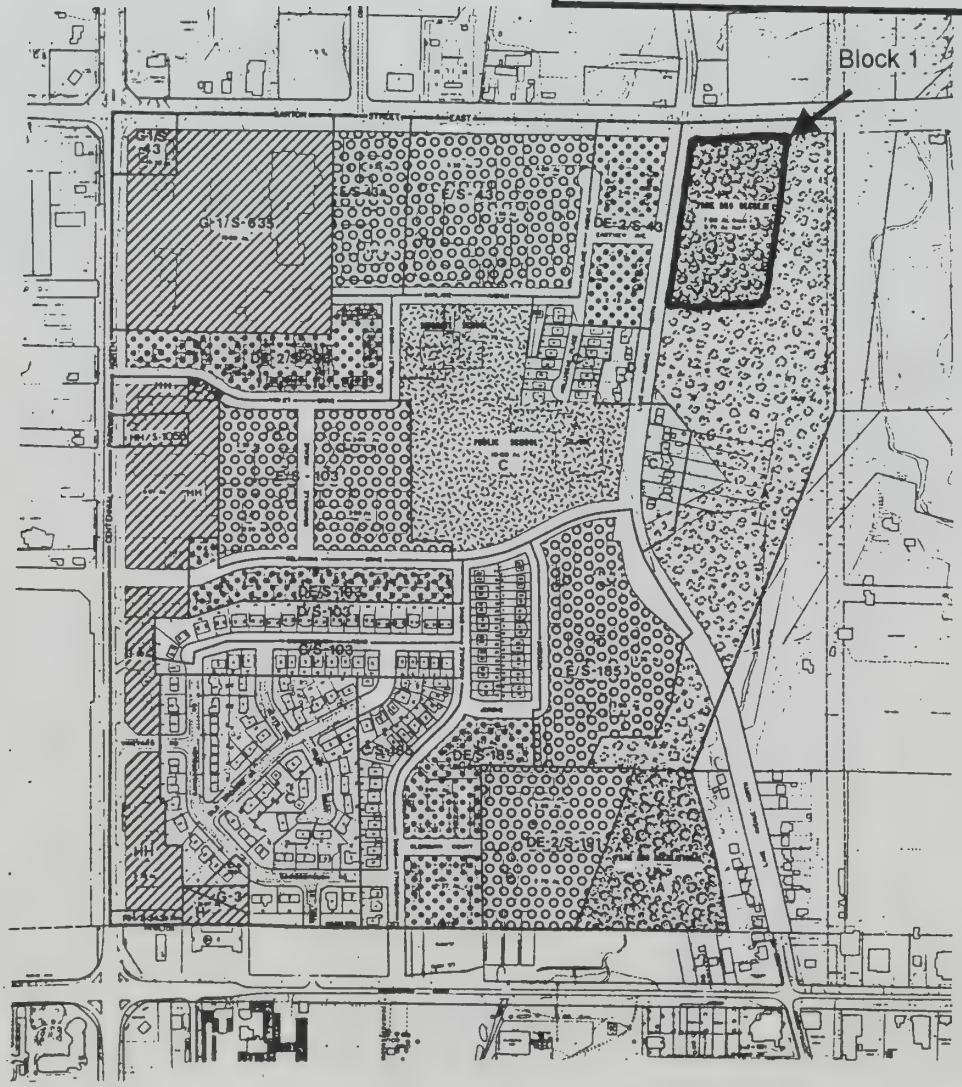
SCALE

114

APPENDIX "O"

Block 1

From: "Park & Recreational"
To: "Open Space"



Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

EXISTING POPULATION (1994) 6,320

LAND USE

RESIDENTIAL
- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

COMMERCIAL
INDUSTRIAL
CIVIC & INSTITUTIONAL
PARK & RECREATIONAL
OPEN SPACE
UTILITIES

Neighborhood Boundary
Zoning Boundary

Approvals
Planning Committee MAY 16, 1995 Council SEPT. 26, 1995
Latest Revision Date DECEMBER 05, 1995

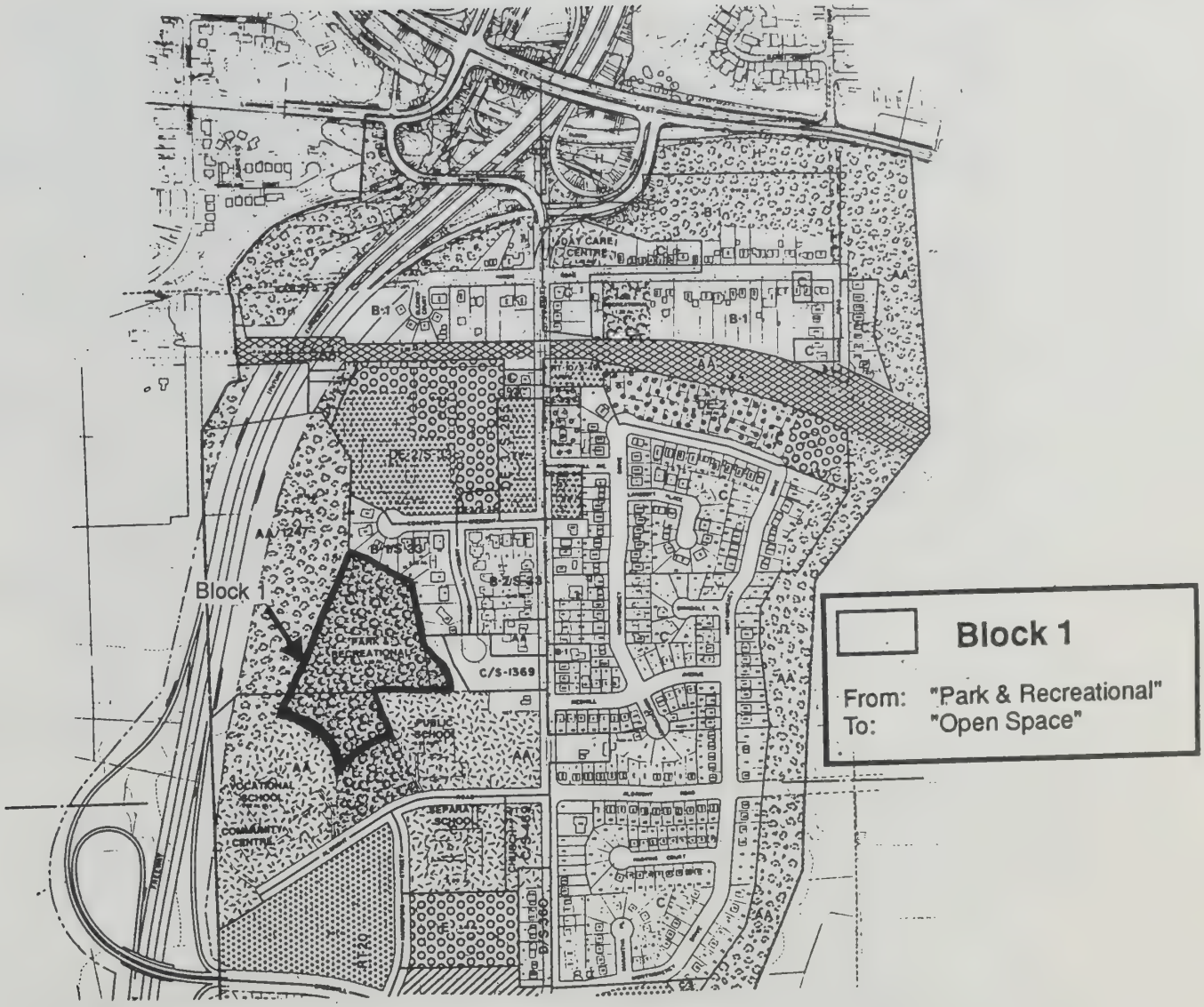
CITY OF HAMILTON
PLANNING DEPARTMENT

RIVERDALE WEST
APPROVED PLAN

NORTH
SCALE

115

APPENDIX "P"



Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

EXISTING POPULATION (1994) 4,545

LAND USE

RESIDENTIAL
- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL (LIGHT)
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

Neighbourhood Boundary
Zoning Boundary

Approvals
Planning Committee Nov 2, 1987 Council Dec 10, 1987
Latest Revision Date December 1991

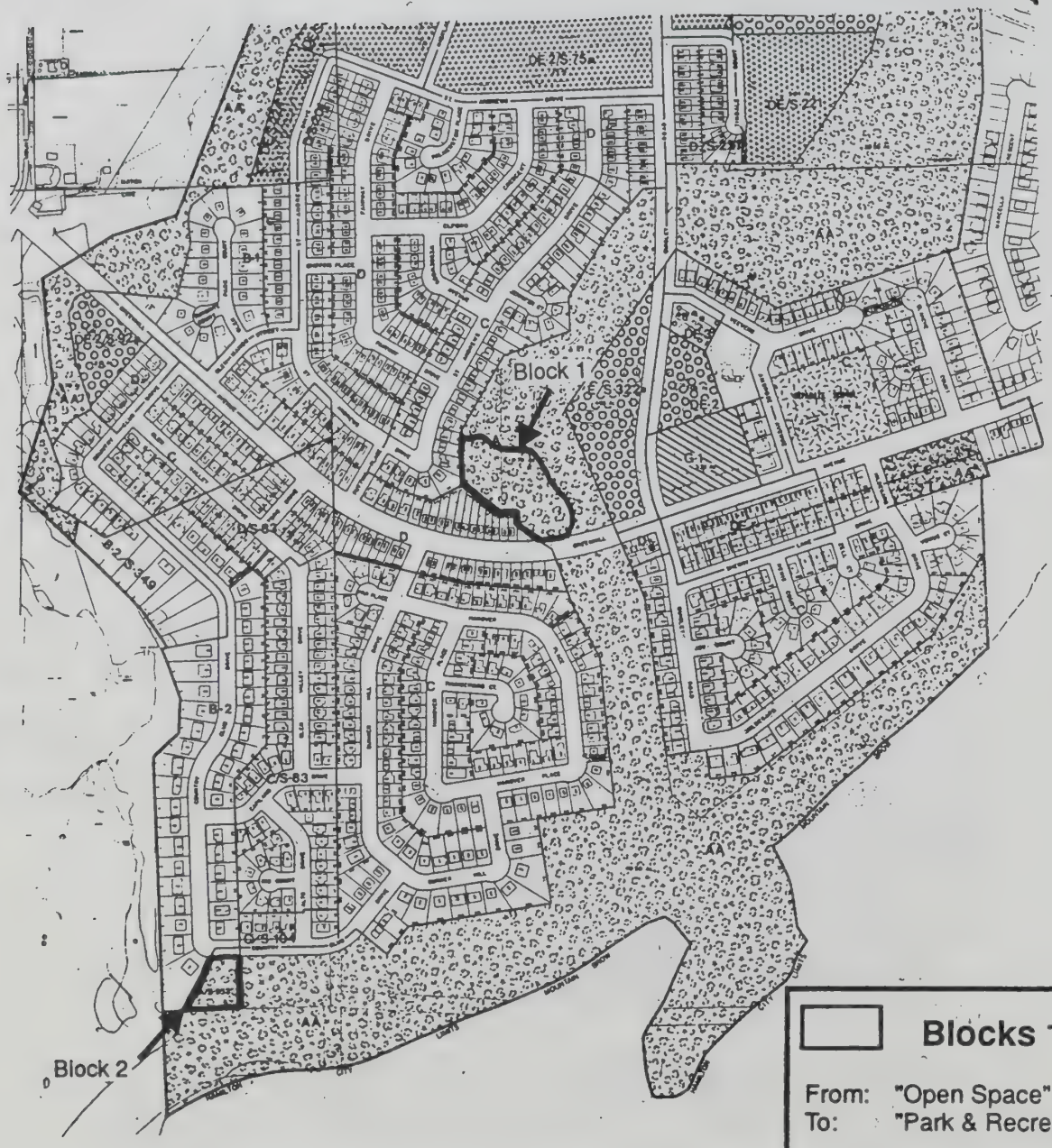
CITY OF HAMILTON
PLANNING DEPARTMENT

RED HILL
APPROVED PLAN

NORTH
SCALE

113

APPENDIX "Q"


Block 1
Block 2
DE 2/S 75
DE/S 21
DE/S 22
DE/S 22A
DE/S 22B
DE/S 22C
DE/S 22D
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E. (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 August 8
(PLC-95-2)
Broughton West Neighbourhood

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Application to Remove Part-Lot Control
"Sandrina Gardens - Phase 2" Subdivision

RECOMMENDATION:

1. That the request of Mr. Anthony DiCenzo, Solicitor for DiCenzo Construction Company, owner, to remove part-lot control be approved to establish maintenance easements for Lots 59, 62, 63, 64, 65, 68, 69, 70 and 71 and to establish private roadway access for Lots 1 to 24 inclusive located in "Sandrina Gardens - Phase 2", as shown on APPENDIX "A";

2. That the attached by-law to remove part lot control from Lots 1 to 24 inclusive and Lots 60, 61, 62, 65, 66, 67, 68, 71 and 72, Registered Plan 62M-780, "Sandrina Gardens - Phase 2" plan of subdivision, be enacted by Council; and,

3. That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.

V.J. Abraham

J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, Anthony DiCenzo, solicitor for DiCenzo Construction, owner, is proposing to establish maintenance easements and private access roadway in accordance with the approved plan of subdivision "Sandrina Gardens - Phase 2". The maintenance agreements will be on Lots 60, 61, 62, 65, 66, 67, 68, 71 and 72. The private access roadway will be across Lots 1 to 24 inclusive.

Location

The lands are located west of Upper Gage Avenue and south of Rymal Road East in the Broughton West Neighbourhood, City of Hamilton.

COMMENTS:

1. Removal of "part-lot" control is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Land Division Committee, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision. In addition, Section 50(7.1) of the Planning Act, as amended by Bill 163, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.2), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister.

2. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line. In addition, the City Subdivision Agreement requires a private Maintenance Agreement and mutual right-of-way for the private lane for the street townhouses fronting onto Upper Gage Avenue.

3. The applicant also proposed to establish maintenace easements on the lands adjacent to Lots 60, 61, 66, 67 and 72. The applicant owns the adjacent lands. However, as the adjacent lands are not part of a registered plan of subdivision, the part-lot control provisions of the Planning Act cannot be used. Until maintenace easements are created,

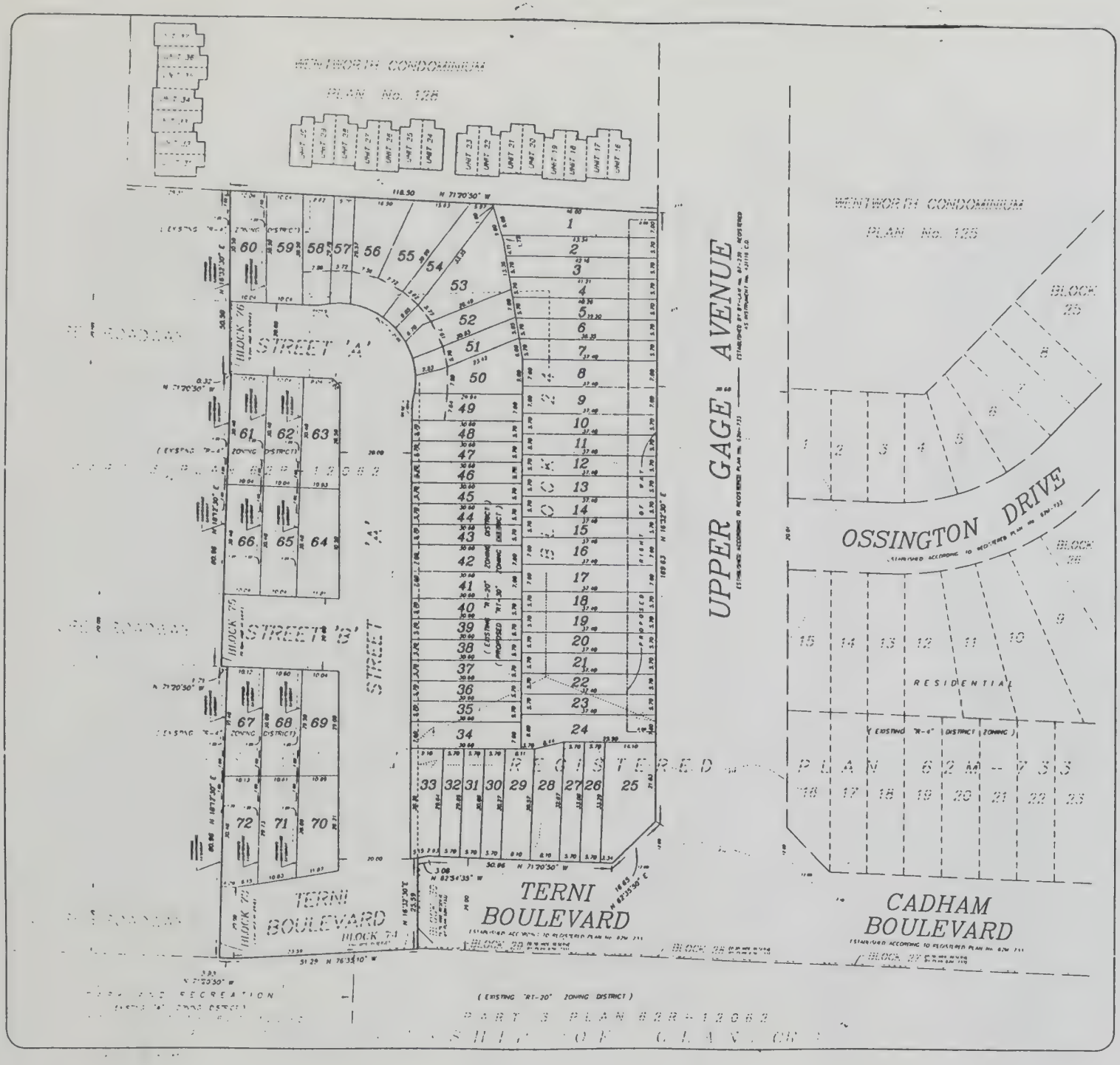
development will not be permitted on Lots 60, 61, 66, 67 and 72. The applicant has advised that they will establish the necessary easements by making an application to the Regional Land Division Committee in accordance with Section 53 of the Planning Act.

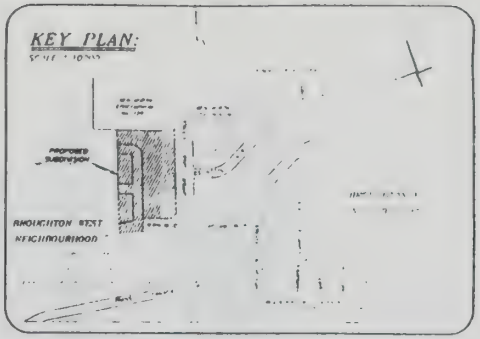
4. The attached by-law to remove "part-lot" control has been prepared in a form satisfactory to the City Solicitor.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC95.2





DRAFT PLAN OF

SANDRINA GARDENS
PHASE TWO

BLOCK 24 – SANDRINA GARDENS, PHASE ONE

PART OF LOT 11, CONCESSION ONE

CITY OF HAMILTON

A. J. CLARKE O.L.S. – 1993

NOTE: THIS IS A DRAFT PLAN OF SUBDIVISION

METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: SECTION 51 (4) THE PLANNING ACT 1990

A SHOWN ON THE PLAN
B SHOWN ON THE PLAN
C SHOWN ON THE PLAN
D SEE LAND USE SCHEDULE
E SHOWN ON PLAN
F SHOWN ON PLAN

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

SEPTEMBER 27, 1993
DATE

OWNER'S AUTHORIZATION:

I HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE CITY OF HAMILTON.

SEPTEMBER 28, 1993
DATE

LAND USE SCHEDULE:

TOTAL AREA OF SUBDIVISION 2.146 HA
LOTS 1 TO 34 INCLUSIVE 1.146 HA
LOTS 35 TO 72 INCLUSIVE 1.000 HA
BLOCKS 73 TO 75 INCLUSIVE 0.000 HA

SUBDIVISION DRAFT APPROVAL:

APPROVED IN PRINCIPLE THIS ____ DAY OF ____, 19____
FOR THE PLANNING AND ____ COMMISSIONER

A. J. Clarke and Associates Ltd.

APPENDIX "A"

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 95—

To Remove
Land within the "Sandrina Gardens - Phase 2" Subdivision, Plan 62M-780
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

> (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, shall not apply to the following lands:

   Lots 1 to 24 inclusive and Lots 60, 61, 62, 65, 66, 67, 68, 71 and 72 within Registered Plan Number 62M-780, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on September 1, 1997.

PASSED this day of A.D. 1995.

City Clerk Mayor

E. (iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: Auagust 15, 1995

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Authorization for Staff Attendance at Ontario Municipal Board Hearings

RECOMMENDATION:

1. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearings regarding appeals to the following Committee of Adjustment decisions:

   - to deny applications A-95-119 and A-95-122 and to grant application A-95-123, respecting variances from the "Monster Homes" By-laws, for properties located at 139 Whitney Avenue, 73 Holmes Avenue and 114 Winston Avenue, respectively; and,

   - to deny applications A-95-133 and A-95-145, respecting properties located at 461 Concession Street and 41 Fonthill Road, respectively.

V. J. Abraham

J. S. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is estimated that one working day of staff time for each of the five appeals will be required, for one representative from the Planning Department (approximately $250 per day = $1,250) and one from the Law Department (approximately ranging from $500 to $1,000 per day = $2,500 to $5,000), for preparation and attendance at the Ontario Municipal Board hearings. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

BACKGROUND:

Applications For Variances to By-laws Nos. 95-02 and 95-33 (Monster Home By-laws)

The following Committee of Adjustment decisions, respecting variances to the "Monster Homes" By-laws, have recently been appealed to the Ontario Municipal Board:

- **A-95-119 - 139 Whitney Avenue**

At its meeting of June 21, 1995, the Committee accepted Planning staff's recommendation and denied this application to permit a new single-family dwelling to have a gross floor area of 260 m^2 (2,800 sq. ft.), instead of the maximum permitted gross floor area of 104.51 m^2 (1,125 sq. ft.).

- **A-95-122 - 73 Homes Avenue**

At its meeting of June 21, 1995, the Committee accepted Planning staff's recommendation and denied this application to permit a new single-family dwelling, with the following variances:

1. an east side yard width of at least 0.39 m (1.3 ft.), instead of 1.2 m (3.94 ft.), with a further maximum 0.39 m (1.3 ft.) eave projection;

2. a front yard depth of at least 3.04 m (10.0 ft.), instead of 6.0 m (19.69 ft.), with a further maximum 0.45 m (1.5 ft.) eave projection; and,

3. a gross floor area of 241.54 m^2 (2,600 sq. ft.), instead of the maximum permitted gross floor area of 125.41 m^2 (1,350 sq. ft.).

- **A-95-123 - 114 Winston Avenue**

At its meeting of June 21, 1995, the Committee granted the application to permit a second storey addition to a dwelling with a resultant total gross floor area of 353.02 m^2 (3,800 sq. ft.), instead of the maximum permitted gross floor area of 217.11 m^2 (2,337 sq. ft.). Planning staff commented that this application was worthy of consideration, given the character of established development along Winston Avenue.

Other Applications

The following Committee of Adjustment decisions have recently been appealed to the Ontario Municipal Board:

- **A-95-133 - 461 Concession Street**

At its meeting of July 5, 1995, the Committee accepted Planning staff's recommendation and denied this application to permit a driveway isle serving a proposed restaurant use (Tim Horton's) to be as close as 1.8 m (5.9 ft.) to the residentially zoned lands to the north, instead of 12.0 m (39.37 ft.) away.

- **A-95-145 - 41 Fonthill Road**

At its meeting of July 12, 1995, the Committee accepted Planning staff's recommendation and denied this application to permit enclosure of the existing garage, displacing the required parking for the dwelling into the front yard.

Dates for the above Board hearings have not been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearings.

NH/CL-M

G.

CITY OF HAMILTON

-RECOMMENDATION-

DATE: 1995 August 17th

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Stella Glover, Secretary,
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Information Report - Chief Administrative Officer and Director of Planning - Hamilton Harbour (Land Use) Sub-Committee Update - report dated 1995 July 4th

(b) Memorandum - M. Hazell, Department of Public Works and Traffic - MacNab Street South and Charles Street Parking Regulations - memo dated 1995 July 27th

Susan K. Reader. jp
S. Glover.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure followed for these matters is recorded.

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1995

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL
SEP 18 1995
GOVERNMENT DOCUMENTS

Wednesday, 1995 September 20th
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 95-18, by Elite Realty Corporation, prospective owner, for a change in zoning from "D" district to "HH" District, modified, and an amendment to the City of Hamilton Official Plan, for lands located at 775 and 779 Upper Wentworth Street.
   TABLED TILL OCTOBER 4TH.

   a) Submission- Anne Chapman, 354 Mohawk Rd. East, Hamilton

2. Zoning Application 95-22, by 712169 Ontario Limited (Gino Malatesta), owner, for a change in zoning from "C" District to "RT-20" District for property located at 1232 Upper Gage Avenue.

   a) Submission- Teresa Gerenese 32-300 Rexford Drive, Hamilton

3. Zoning Application 95-11, by 1104729 Ontario Limited (Alan Goulding), owner, for changes in zoning for lands located at the rear of 141 Queenston Road, from "AA" to "R-4", "AA" to "H", and "G-3" to "H".

4. **REFERRAL FROM CITY COUNCIL**

   Proposed Plan of Subdivision "Nash Acres", SAC-91-01, Owen Jackson et al, owners for lands at the end of Derek Court, South end of King Street East.

5. **PRIVATE AND CONFIDENTIAL AGENDA**

6. **CHIEF ADMINISTRATIVE OFFFICER/DIRECTOR OF PLANNING**

a) Proposed Plan of Subdivision, Parkside Courts, SAR-95-09 (Regional File 25T-95001) by the owner Shedaco Holdings Limited (R. Shelley) for lands located at Part Lots 1 and 2, Concession 1 (Glanford).

b) Delegated Authority for Consents

7. **CITY SOLICITOR**

Expropriation of 66 and 68 King Street East - Victoria Hall and The MacKay Building

8. **CONSENT AGENDA**

9. **OTHER BUSINESS**

10. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
3.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
4.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
5.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
6.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
7.	ZA-94-11, Ray Gordon Smith 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculated if application is modified
8.	ZAC-94-19 and Draft Plan of Subdivision 25T-94004 - Chedoke Health Corporation	1994 October 5		Tabled at applicant's request to resolve outstanding issues
9.	CI-95-C, 11 Arthur Street South	1995 August 23		Tabled at the Finance and Administration Committee"s request
10.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
11.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23		Tabled at the request of the applicant

"Distributed to: Alderman Drury; Alderman Eisenberger; Mayor Morrow; D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, Law Department; R. Kard, Traffic Department, D. Lobo, Director of Public Works - 1995 Sept 5m.

1., 9

354 Rushbrook Rd E
Hamilton, Ont
Aug. 28/95

1a)

OFFICE OF THE CITY CLERK
SEP 01 1995
REC. BY ad DATE
REF'D. TO DATE
REF'D. TO T.A. DATE
REF'D. TO DATE
ACTION: F.Y.A.

City Hall
25 Main St W.
Hamilton, Ont

Attn: City Clerk

Dear Sir/Ma'am:

I've been an owner occupant of the above address for 35 years. And of course, I've seen many changes in this neighbourhood during that period.

But this latest request for a zone change has me most upset. And I'm strongly objecting to same (file # Z.A.C. - 95-18).

Incidentally, I didn't have the opportunity to object when the Lakeville Hill Sr. Rec. Centre was going to be built across the road from me. Changed from the original advertised location because of much opposition. Now I have to look at a "Berlin Wall" right out of my living room window, when previously I enjoyed watching children at play. But that's another story!

My home is the 3rd house from the S. W. corner & exactly kitty corner to the proposed site. The property in question was formerly a fire hall, public health clinic combination. This combination was built shortly after we moved here. The S.E. corner directly across the proposed zone change (where the Pizza Pizza is now) was already commercial.

Now that the fire hall etc. site has been purchased by the Elite Realty Corp. (Coldwell Banker Elite Realty Corp.) they want to change the site to a strip mall.

(over)

And the following are the reasons why I'm opposing (contesting) said change.

(1) Increase the danger at the intersection for both pedestrians & traffic. With advance green for turning left, the cars are so anxious to turn L. or R. before the light changes that very little regard is shown for pedestrians or cars. I've personally experienced such & I'm sure youngsters attending the elementary & high school in this area have found likewise. And they can move a heck of a lot faster than us seniors. I've also witnessed many, many cars colliding for the same reason.

(2) Create an asphalt jungle for the intersection when there already are two corners that are paved over (one being the Sr. Rec. Centre & the other a Pizza Pizza parlour with a store front that has been empty & for base for 3 years or longer, along side.)

(3) For me, the quality of life has already been compromised & likewise with many, many of my neighbours when the Sr. Rec. Centre was built. And most of us are very mature adults. Also this will further decrease our property values.

(4) The environment in our immediate area will be further littered with advertising signs of all descriptions if that corner is allowed to become a strip mall.

(5) And last but not least, why wasn't that corner retained & made into a lovely mini park! Like the S.E. corner of Upper Wellington & Rexdale Blvd. & S.E. corner of Upper Wellington & Fennell.

(cont'd page 3)

weren't we owned such consideration when we were already deprived of park area?

(4) And one more point that I've just thought of - the commercial area (Fine Ridge Mall, etc.) just down the street, has many, many empty stores, offices & even land for sale. Reminds me of the Era when there use to be gas stations at almost every main intersection (& some not so main). And now, how many are empty & boarded up? They also pose a blight on the neighbourhoods!

Yours truly,
(Mrs.) Anne Chapman
385-5271

Copy: Mayor Bob Morrow
Alderman Terry Anderson

enc (2)

Spec. Aug 3/95

461), **Top 5 pop chart** (weekly up

Take a look for yourself

My beef is with drivers who turn corners on red lights. Many times I have stepped out to cross the road on a walk signal with my son in his stroller, and almost get run over because the driver never looked our way.

This is happening to us at the corner of Mohawk Road and Upper Wellington Street, and I am sure it's happening at other busy corners. Please take a quick glance our way, it might save a life one day.

– M. & Z.

Carry a slingshot Aug 24/95

My beef is that traffic lights don't allow you enough time to walk across the road. Do you want us to die or something?

– A Normal-pace Walker

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1995 September 11
ZAC-95-22
Randall Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - No. 1232 Upper Gage Avenue

RECOMMENDATION:

That Zoning Application ZAC-95-22, 712169 Ontario Limited (G. Malatesta), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District, to permit development for townhouse dwellings, for lands located at No. 1232 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", be **DENIED** on the following basis:

i) The application conflicts with the Approved Randall Neighbourhood Plan, which designates the rear portion of the lands "SINGLE AND DOUBLE RESIDENTIAL";

ii) Approval of the application is premature pending consolidation of the subject lands with the adjoining lands to the south (No. 1238 Upper Gage Avenue and the front portion of No. 1244 Upper Gage Avenue) in order that these lands can be developed on a comprehensive basis; and,

iii) Approval of this application may encourage other similar applications (ie. for the front portion of 1244 Upper Gage Avenue), which if approved, would undermine the intent of the Neighbourhood Plan.

V. J. Abraham

J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The request is for a rezoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District, to permit development of the subject lands for ten townhouse dwelling units (see APPENDIX "B").

- Land Severance Applications H-61-95 and H-62-95

  The purpose of applications H-61-95 and H-62-95 is to sever the front portion of 1232 Upper Gage Avenue (the subject lands) from the rear portion. The rear portion, would be further severed into three separate single-family building lots, fronting onto Rexford Drive (see APPENDIX "B"). The applications were approved by the Land Division Committee on June 27, 1995, subject to a number of conditions.

APPLICANT:

712169 Ontario Limited (G. Malatesta), owner.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- a frontage of 30.48 m (100 ft.);
- a depth ranging from 108.25 m (355.15 ft.) to 129.07 m (423.46 ft.); and,
- a lot area of 2,441.59 m^2 (26,281.92 sq. ft.).

LAND USE AND ZONING:

	Existing Land Uses	Existing Zoning
Subject Lands	Single-family dwelling	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	Townhouse dwellings	"RT-10" (Townhouse) District
to the east	Townhouse dwellings	"E-2" (Multiple Dwellings) District, modified

to the south	Single-family dwellings	"C" (Urban Protected Residential, etc.) District and "C" (Urban Protected Residential, etc.) District, modified
to the west	vacant land	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated RESIDENTIAL on Schedule 'A' - Land Use Concept of the Official Plan:

> "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The front portion of the subject lands are designated "ATTACHED HOUSING" by the Approved Randall Neighbourhood Plan. The rear of the subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL". Therefore, the proposal does not comply with the Approved Neighbourhood Plan, and a redesignation from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING" would be required for the rear portion of the lands.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority advise they have no objection.

- The Building Department advises:

"1.	Section 10E(4)(b)	windows to habitable rooms shall not be permitted less than 6.0 m (measured at right angles) from the westerly property line
2.	Section 18A(8)	parking spaces shall be at least 2.7 m x 6.0 m
3.	Section 18A(12)	a visual barrier is required along the northerly and westerly lot lines where abutting the parking areas

4. Section 18A(24) driveway width shall be at least 5.5 m"

- The Regional Roads Department advises:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper Gage Avenue is 36.58 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 18.29 m from the centreline of Upper Gage Avenue. According to our records this road widening adjacent to Upper Gage Avenue is 3.048 m in width.

We concur with the comments of the City of Hamilton Traffic Department and recommend that these lands be developed in conjunction with the two remaining properties to the south for attached housing. This will require a land assembly by the applicant to include these properties but will then provide for a comprehensive development in which adequate access and circulation could be provided for all three properties.

We recommend that the subject lands be developed through site plan control at which time more detailed comments on grading, landscaping, access location, motorist sight lines, etc. will be provided. The applicant may wish to meet with staff of our Office prior to the submission of detailed site plans."

- The Department of Public Works and Traffic advises:

"The approved neighbourhood plan for Randall Neighbourhood designates the subject lands and the adjacent properties to the south for development as attached housing. The independent development of the subject lands, as shown on the preliminary plan, will compromise the development of the lands to the south as attached housing. Therefore, we are not prepared to support the application for the independent development of the subject lands as proposed.

We recommend that the applicant consider a land assembly, including the two adjacent properties to the south, to provide for a comprehensive development in which adequate access and circulation could be provided for all three properties.

With reference to the preliminary plan, the site limitations negate the provision of any turnaround facilities for garbage, service or delivery vehicles without deleting one unit. These vehicles will be required to back out onto Upper Gage Avenue contrary to standard design practises."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan, which designates the subject lands "Residential".

2. The proposal does not comply with the Approved Randall Neighbourhood Plan, and a redesignation from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING" would be required for the rear portion of the lands.

3. The application cannot be supported for the following reasons:

   - It conflicts with the Approved Randall Neighbourhood Plan, which designates the rear portion of the lands "SINGLE AND DOUBLE RESIDENTIAL";

   - Approval of the application is premature pending consolidation with the adjoining lands to the south. In this regard, independent development of the subject lands would preclude comprehensive development of a designated townhouse block, including the front portion of the subject lands, No. 1238 Upper Gage Avenue and the front portion of 1244 Upper Gage Avenue (see APPENDIX "C"); and,

   - Approval of this application may encourage other similar applications (ie. for the front portion of 1244 Upper Gage Avenue), which if approved, would undermine the intent of the Neighbourhood Plan.

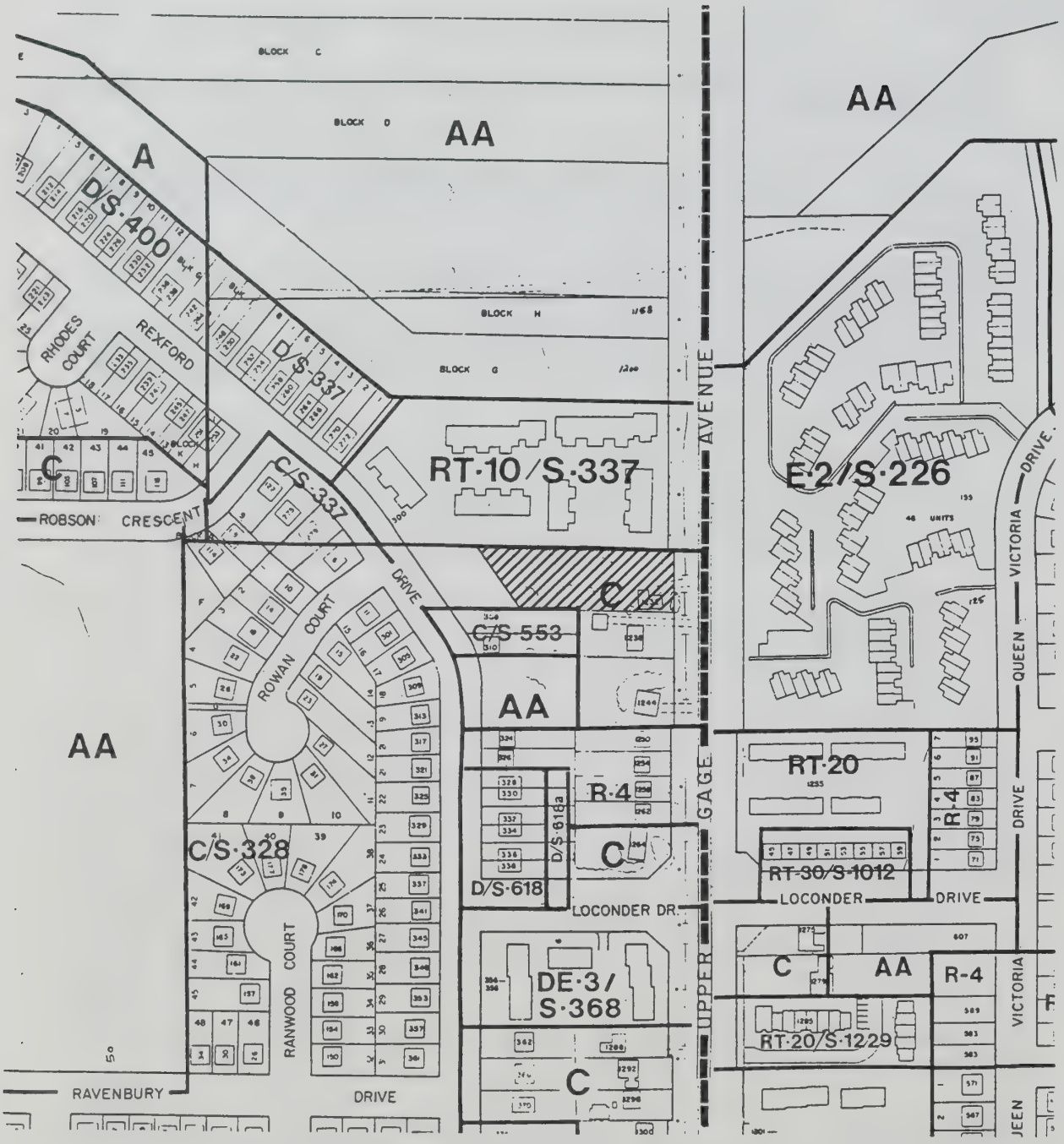
4. It should be noted that the lotting proposed by the associated severance applications H-61-95 and H-62-95, as shown on attached APPENDIX "B", also conflicts with the Approved Randall Neighbourhood Plan. A portion of lands designated for "Single and Double Residential" would be retained with the parcel proposed for townhouse development, decreasing the depth of the proposed single-family lots and increasing the depth of the proposed townhouse block. Since the merits of a proposed amendment to the Neighbourhood Plan, to establish the depth of the townhouse block is under consideration in conjunction with Zoning Application ZAC-95-22, the Planning Department recommended that the severances were premature and that any decision should be deferred pending the outcome of ZAC-95-22. Notwithstanding, the Land Division Committee approved the applications on June 27, 1995, with a condition that the rezoning be finalized. Should Council deny the rezoning for the townhouse block, the severances will lapse.

5. It should also be noted that, both the Roads Department and Traffic Division have expressed concerns with respect to adequate on-site traffic circulation and site access should these lands be developed independently of the lands to the south.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

CL-M

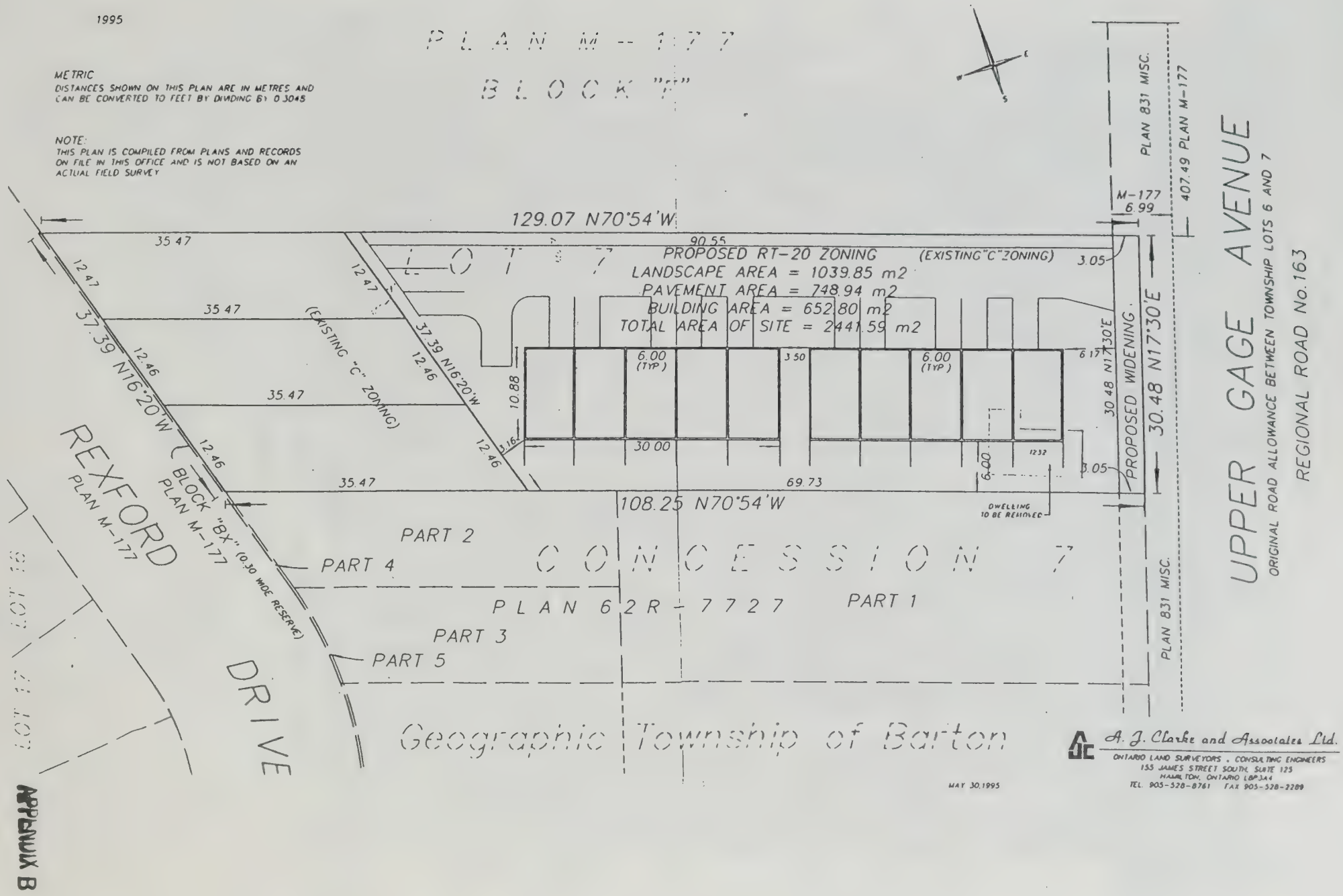


Legend

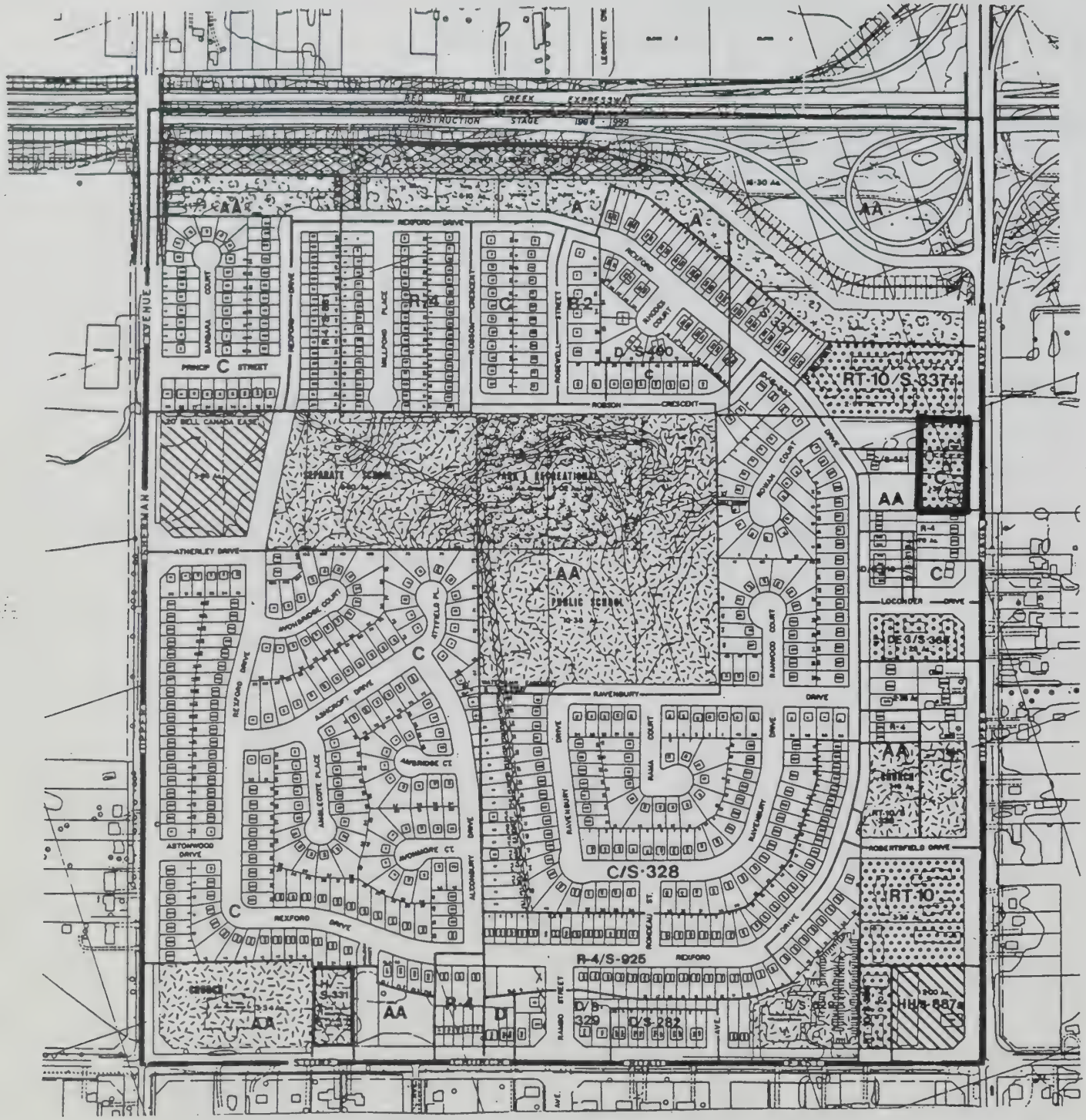
Site of the Application

ZAC-95-22

APPENDIX A


1995
PLAN M-177
BLOCK "F"
METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
NOTE:
THIS PLAN IS COMPILED FROM PLANS AND RECORDS ON FILE IN THIS OFFICE AND IS NOT BASED ON AN ACTUAL FIELD SURVEY
129.07 N70°54'W
90.55
LOT 7
PROPOSED RT-20 ZONING (EXISTING "C" ZONING)
LANDSCAPE AREA = 1039.85 m2
PAVEMENT AREA = 748.94 m2
BUILDING AREA = 652.80 m2
TOTAL AREA OF SITE = 2441.59 m2
35.47
12.47
37.39 N16°20'W
12.46
(EXISTING "C" ZONING)
10.88
6.00 (TYP)
3.50
6.17
30.48 N17°30'E
PROPOSED WIDENING
3.05
30.00
6.00
12.32
69.73
108.25 N70°54'W
DWELLING TO BE REMOVED
REXFORD DRIVE
PLAN M-177
BLOCK "BX" PLAN M-177 (0.30 WIDE RESERVE)
PART 2
PART 4
CONCESSION 7
PLAN 62R-7727
PART 1
PART 3
PART 5
Geographic Township of Barton
PLAN 831 MISC.
M-177
6.99
407.49 PLAN M-177
UPPER GAGE AVENUE
ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 6 AND 7
REGIONAL ROAD No.163
LOT 17
LOT 18
MAY 30,1995
A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS . CONSULTING ENGINEERS
155 JAMES STREET SOUTH, SUITE 125
HAMILTON, ONTARIO L8P3A6
TEL. 905-528-8761 FAX 905-528-2289

APPENDIX B



Legend

Designated ATTACHED HOUSING block

NORTH

ZAC-95-22

APPENDIX C

"Distributed to: Alderman Drury; Alderman D'Amico ; Mayor Morrow; D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, Law Department; R. Karl, Traffic Department, D. Lobo, Director of Public Works - 1995 Sept 13 mc."

2a)

Sept. 11, 1995

Distr.

Attn: Ms. Tina Agnello
Secretary Planning and
Development Committee

I am not able to attend the public meeting Wednesday Sept. 20. but I would like my views to be noted.

I am in opposition of the re-zoning from "C" district to "RT-20" District of 1232 Upper Gage Ave. I feel the property is too small of an area to house ten family unit dwellings. It would encroach on my family's privacy and a laneway instituted behind our property would increase the traffic volume and noise level. I feel that two single family dwellings (2 fronting onto Upper Gage, 2 fronting onto Rexford) would be more appropriate with this limited space. I have spoken to neighbours on both sides of this project and we are all concerned, as little is known about the dwellings that are proposed. I would like more information as to what the builder is planning as far as structure and if these dwellings would be purchased or rental units. I would still like to go one record with opposition to this re-zoning.

Sincerely

Teresa Gerencser.
32-300 Rexford Drive
Hamilton L8W 1P5
575-8172.

3

CITY OF HAMILTON

- RECOMMENDATION -

DATE: September 12, 1995
ZAC-95-11
Riverdale East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Local Planning

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning for lands located at the rear of No. 141 Queenston Road.

RECOMMENDATION:

A. That approval be given to amended Zoning Application 95-11, 1104729 Ontario Ltd., (Alan Goulding), owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Residential, etc.) District for Block "1", from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District, modified for Block "2", and from "G-3" (Public Parking Lots) District, modified to "H" (Community Shopping and Commercial, etc.) District, modified for Block "3" for the property located at the rear of No. 141 Queenston Road, shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until the applicant has entered into satisfactory servicing arrangements, agreements and/or easements for municipal storm and sanitary sewers, and water services with the Region to the satisfaction of the Roads and Environmental Services Department of the for Blocks "1", "2" & "3" of subject lands;

Removal of the holding restriction shall be conditional upon the Roads and Environmental Services Department advising in writing that the applicant has arranged satisfactory servicing and entered into the appropriate agreements, and any required works for Block "1", "2" & "3". City Council may remove the 'H' symbol, and thereby give effect to the "R-4" & "H" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled;

i) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Residential, etc.) District;

ii) That Block "2" be rezoned from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District;

iii) That Block "3" be rezoned from "G-3" (Public Parking Lots) District, modified to "H" (Community Shopping and Commercial, etc.) District;

iv) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "2" and "3", be modified to include the following variances as special provisions:

a) That notwithstanding Section 14. of Zoning By-law No. 6593, only an auto repair garage except paint and autobody repair and a manual carwash consisting of eight (8) bays, shall be permitted; and,

b) Notwithstanding Section 14.(1)(xvi) of Zoning By-law No. 6593, only one (1) business identification sign that is a wall sign and having vertical dimension of not more than O.6 metres, and area of not more than 5.6 square metres shall be permitted;

c) No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination;

d) That a landscape area not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire northerly boundary of Block "2", where the lot adjoins a residential district;

v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and the subject lands on Zoning District Map E-123 & E-124 be notated S- ;

vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123 & 124 for presentation to City Council;

vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

B. That Site Plan Control By-Law No. 79-275 as amended by By-Law No. 87-223 be amended by adding the subject lands to Schedule "A".

EXPLANATORY NOTE:

The purpose of the by-law is to provide for changes in zoning for lands located at the rear of No. 141 Queenston Road, as shown on the attached map, on the following basis:

Block "1"- from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Residential, etc.) District;

Block "2"- from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District, modified; and,

Block "3"- from "G-3" (Public Parking Lots) District, modified to "H" (Community Shopping and Commercial, etc.) District, modified.

The effect of the by-law is to permit future development of the subject lands for a Small Lot Single-Family Dwellings (Block "1"), and auto repair garage and a manual carwash consisting of eight (8) bays (Blocks "2"&"3"). In addition, the By-law provides for the following variances as special requirements:

- permits one (1) business identification sign that is a wall sign having vertical dimension of not more than O.6 metres, and area of not more than 5.6 square metres;

- requires signs to be illuminated with a source of light that is steady and suitably shielded to contain the illumination;

- requires a planting strip not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height along the northerly boundary of Block "2", where the lot adjoins a residential district, whereas the By-law only requires a 1.5 m wide planting strip and visual barrier 1.2 m to 2.0 m in height.

In addition, the amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the

proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until the applicant has entered into satisfactory servicing arrangements, agreements and/or easements for municipal storm and sanitary sewers, and water services with the Region to the satisfaction of the Roads and Environmental Services Department of the for Blocks "1", "2" & "3" of subject lands.

Removal of the holding restriction shall be conditional upon the Roads and Environmental Services Department advising in writing that the applicant has arranged satisfactory servicing and entered into the appropriate agreements and easements, and any required works for Block "1", "2" & "3". City Council may remove the 'H' symbol, and thereby give effect to the "R-4" & "H" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled;

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is requesting a rezoning for the lands located at the rear of 141 Queenston Road. The purpose of the amended application is to permit six (6) small lot single-family dwellings fronting on to Birkendale Drive, whereas five (5) larger lots were originally proposed (Block "1"), and an auto repair garage and a manual car wash consisting of eight (8) bays on the remaining lands (Blocks "2" & "3") which are part and parcel of an existing commercial development fronting Queenston Road within the City of Stoney Creek. The applicant has submitted a preliminary site plan (see Appendix 'B') which shows the site layout.

- ZA-89-77

  The Planning and Development Committee, and City Council at their meetings of November 29, 1989, and December 12, 1989, respectively, **denied** Zoning Application 89-77 for a 12 storey, 106 unit apartment building and 43 parking spaces, to be used in conjunction with the adjoining commercial plaza fronting onto Queenston Road in Stoney Creek.

- ZA-91-23

  The Planning and Development Committee, and City Council at their meetings of July 24, 1991, and July 30, 1991, respectively, **denied** Zoning Application 91-23, to permit a 5 storey 50 unit apartment building and 24 parking spaces to be used in conjunction with the adjoining commercial plaza fronting onto Queenston Road in Stoney Creek.

- ZA-92-42

  The applicant, on September 16, 1992, submitted a request for changes in zoning from "AA" (Agricultural) District, "G-3" (Public Parking Lots) District and "D" (Urban Protected Residential, One and Two-Family Dwellings Townhouses, etc.) District, to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified to permit construction of a 9 storey, 104 unit apartment building and 24 parking spaces to be used in conjunction with the adjoining commercial plaza fronting onto Queenston Road in Stoney Creek.

  The above-mentioned application was abandoned and the file was closed on March 22, 1994.

LOT SIZE AND AREA:

The subject lands are irregular in shape having:

- 22.86 m (75.0 ft.) of lot frontage on Queenston Road;
- depth irregular (as per survey); and,
- 5,610.78 m^2 (1.3 acres) of lot area.

APPLICANT:

1104729 Ontario Ltd., (Allan Goulding), owner.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant and Parking lot	"AA" (Agricultural) District and "G-3" (Public Parking Lots) District, modified

Surrounding Lands

to the north	Single-family Dwellings	"D" (Urban Protected Residential-One and Two Family Dwellings, Townhouses) District, modified
to the south	Commercial	General Commercial "GC" Zone (Stoney Creek)
to the east	Single-Family Dwellings	Existing Residential "R-6" Zone (Stoney Creek)
to the west	Vacant parcel and parking area	"R-4" (Small Lot Single-Family) District and "H" (Community shopping and Commercial, etc.) District, modified.

***OFFICIAL PLAN*:**

The southeast portion (Blocks "2" & "3") of the subject lands are designated ***Commercial***, while the northwest portion (Block "1") is designated ***Residential*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.30 AUTOMOBILE SERVICE STATIONS will mean land or buildings where oil and gasoline are kept for sale, and where minor automotive repairs may be carried out. In considering proposals for new AUTOMOBILE SERVICE STATIONS, Council will require that the following provisions are complied with in all respects:

i) The preferred location for an AUTOMOBILE SERVICE STATION will be adjacent to the intersection of major roads and, in the case of Shopping Centres, the structure will be physically separated from the major activity areas and buildings of the Shopping Centre and be in close proximity to the major roads providing access; and,

A.2.2.31 Council will endeavour to minimize the impacts of AUTOMOBILE SERVICE STATIONS on adjacent land uses through measures such as, but not limited to, the following:

i) The establishment of building separation distance and yard requirements;

ii) The requirement of fencing and/or landscaped buffer strips to effectively screen the operation;

iii) Paved surface requirements for all non-landscaped areas;

iv) The restriction of outside storage, other than automobiles;

v) The establishment of separation distance requirements from Residential or other land uses for all ingress or egress ramps; and,

vi) The requirement that all lighting and illuminated signs be designed to be deflected or shielded from adjacent Residential Uses.

A.2.2.33 COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.

A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.35 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area."

The following policies of Subsection A.2.1 - Residential Uses should also be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

The following policies of Subsection C.7 - Residential Environment and Housing Policy should also be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" (Block "1") and COMMERCIAL - SPECIAL PROVISIONS (Blocks "2" & "3") on the approved Riverdale East Neighbourhood Plan. The proposal does not conflict with the Neighbourhood Plan. However, a 6.0 m wide landscape area plus a 2.5 high closed fence between the commercial and the future residential is recommended as per the approved Neighbourhood Plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:

  - Ministry of Transportation;
  - City of Stoney Creek;
  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Building Department has verbally advised that the proposed manual carwash consisting of eight (8) bay does not comply with Section 14.(1)(xviia) of Zoning By-law No. 6593.

- The Traffic Department has advised that they are not opposed to the change in zoning and have forwarded comments regarding the future lots on Birkendale Drive and the site planning of the commercial portion of the site should the application be approved (see Appendix "C").

- The Roads and Environmental Services Department has reviewed the application and has several concerns regarding the applicant's alternative servicing arrangements of the subject lands (See Appendix "D").

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the approved Riverdale East Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan and the approved Riverdale East Neighbourhood Plan;

   ii) the proposed small lot single-family residential (Block "1") represents infill development, and is consistent with the established small lot single-family dwellings in the area. On this basis, the proposal serves to complete the existing pattern of development on Birkendale Drive;

   iii) the auto repair garage and manual carwash are compatible with the existing and proposed commercial development along Queenston Road; and,

   vi) it is consistent with previous approvals (ZA-93-01) immediately to the west (i.e. 1011 Queenston Road) which allowed for small lot single-family dwellings and commercial uses.

3. The applicant has proposed an alternative servicing arrangement for municipal sanitary and storm sewers, and water service for the subject lands. This arrangement would reduce the width of the existing 12.0 m sewer easement from Birkendale to 6.0 m for dual sewers to service the proposed six (6) residential lots. The commercial portion of the site (Blocks "2" & "3") would be serviced by way of the existing services for the existing commercial building fronting Queenston Road. The Roads and Environmental services Departments have forwarded comments and concerns (See Appendix "D") regarding the alternative arrangement and potential capacity of the existing storm and sanitary sewers. Given these concerns, it would be appropriate to apply the holding provisions of the Planning Act, R.S.O., 1990, to the subject lands until the applicant has entered into satisfactory servicing arrangements, agreements and/or easements for municipal storm and sanitary sewers, and water services with the Region, to the satisfaction of the Roads and Environmental Services Department of the for Blocks "1", "2" & "3" of subject lands.

   Removal of the holding restriction shall be conditional upon the Roads Department advising in writing that the applicant has arranged satisfactory servicing and entered into the appropriate agreements and easements, and any required works for Block "1", "2" & "3". City Council may remove the 'H' symbol, and thereby give effect to the "R-4" & "H" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

4. The Building Department has advised that a variance is required to permit the proposed eight (8) bay manual car wash, whereas the By-law allows an accessory single bay manual car wash when it is within the same building as an automobile service station or public garage, and provided it does not occupy more than 30% of the gross floor area of the service station or garage. This provision of the zoning by-law does not recognize and/or anticipate a modern manual carwash that typically propose more than one bay. The proposed commercial use of an "auto repair garage except paint and autobody repair" and the "eight (8) bay manual carwash" are consistent with other commercial uses permitted along Queenston Road and can be supported.

5. The following special provisions should be applied to implement the intent of the approved Riverdale East Neighbourhood Plan, and to mitigate potential negative spill over effects (eg. noise, headlight glare and sign illumination) of the proposed commercial uses adjacent to the proposed residential districts:

   - a landscape area not less than 6.0 m in width and a visual/acoustical barrier not less than 1.8 m in height and not more than 2.0 m in height shall be provided and

maintained along the northerly lot line of Block "2", whereas the By-law requires a 1.5 m minimum planting strip and a visual barrier 1.2 m to 2.0 m in height;

- one (1) business identification sign that is a wall sign having a vertical dimension of not more than O.6 metres, and area of not more than 5.6 square metres, as per the applicant's request; and,

- all signs should be illuminated with a source of light that is steady and suitably shielded to contain the illumination.

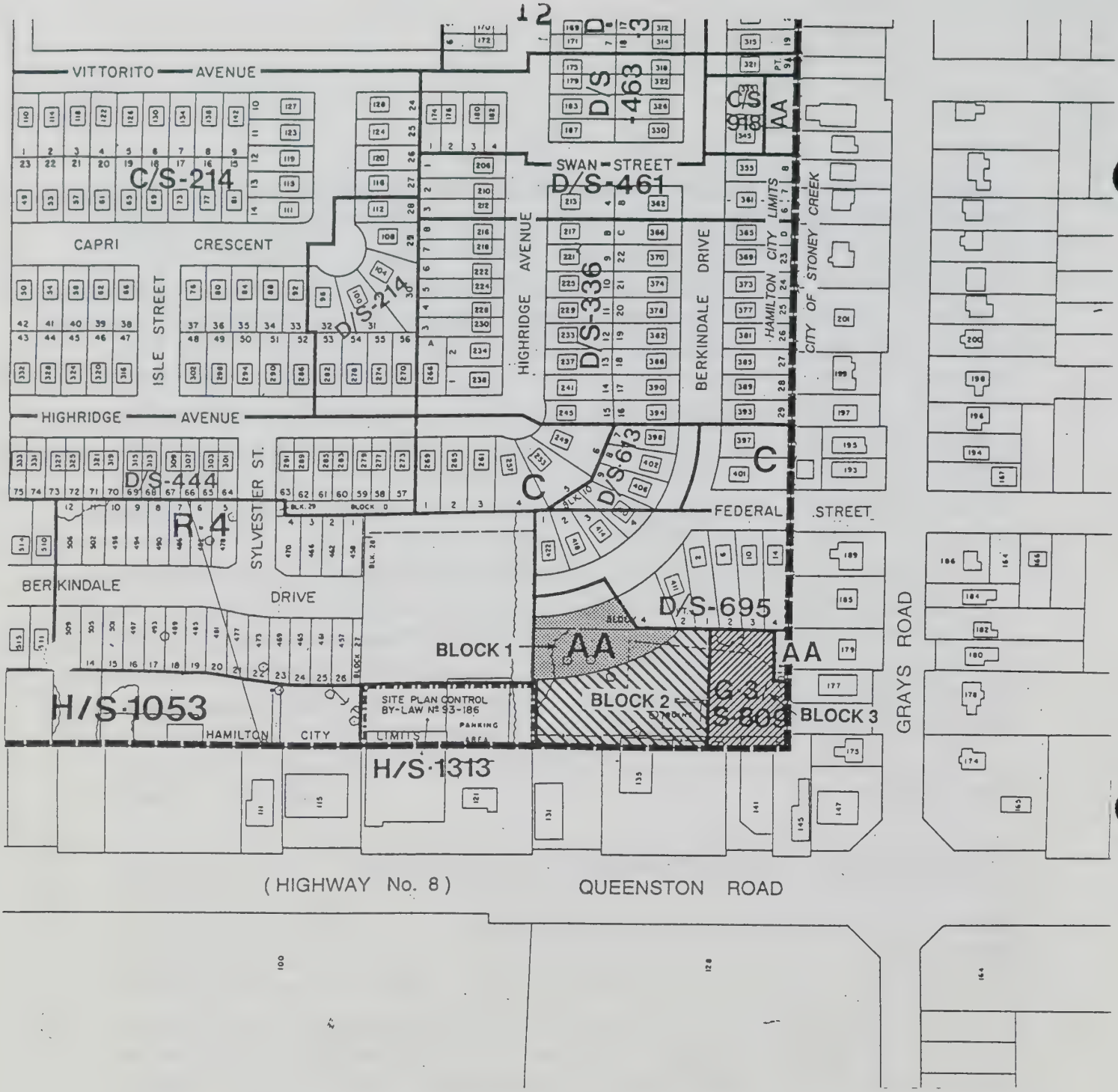
The applicant is aware of the above-mentioned special requirements and has agreed to them.

6. The "H" (Community Shopping and Commercial, etc.) District is not subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. In this regard, it would be appropriate to place the subject lands under Site Plan Control so that matters related to the details of development (i.e. access, grading, landscaping, building elevations etc.) and matters mentioned in the Traffic Department's comments (See Appendix "C") regarding site layout can be further reviewed during the Site Plan process.

CONCLUSION

Based on the foregoing, the amended application can be supported.

JL:jl
ZAC9510



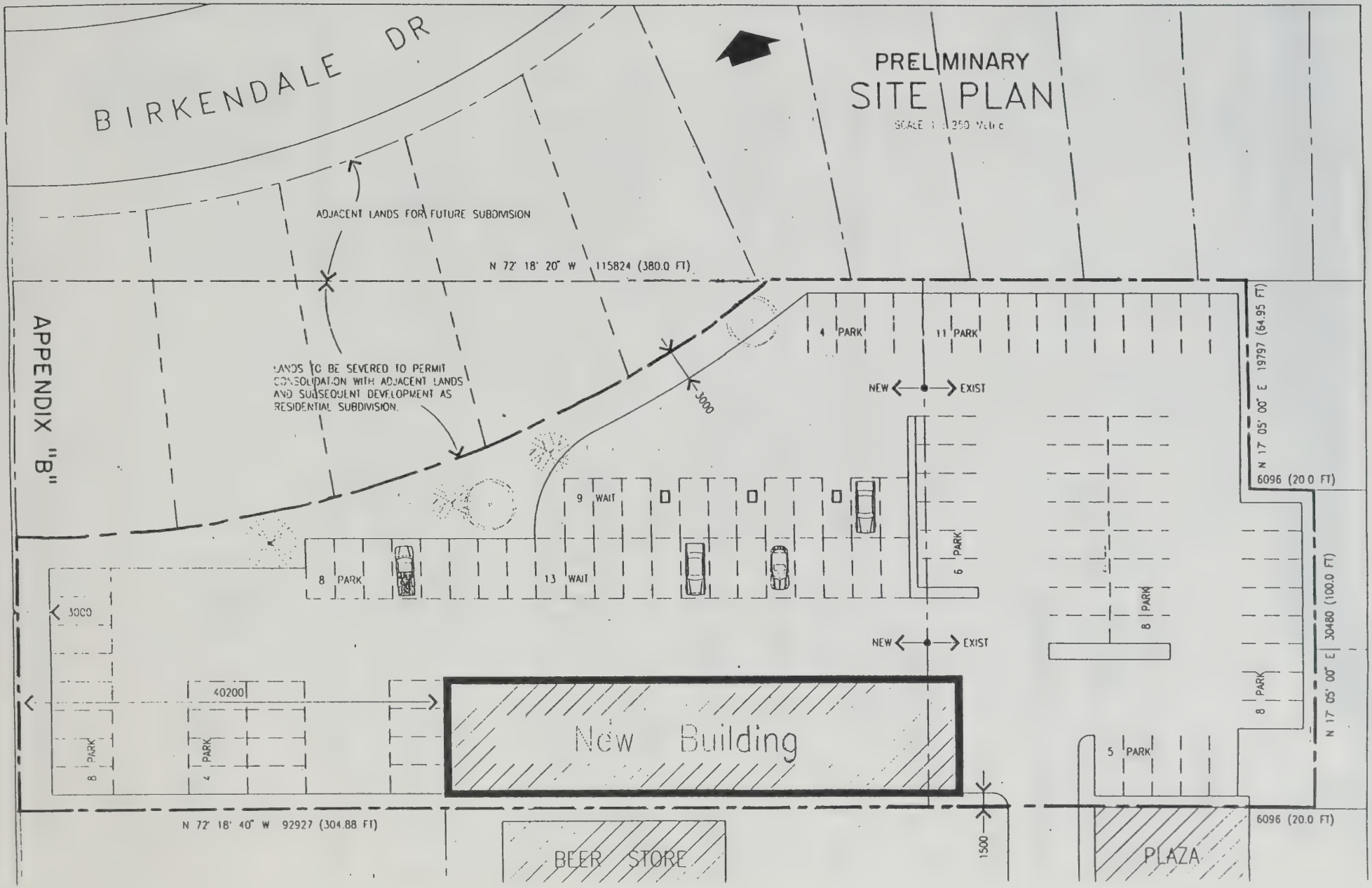
Legend

Proposed change in zoning from:

ZAC-95-11

BLOCK 1		"AA" (Agricultural) District to "R-4" (small lot single family dwelling) District
BLOCK 2		"AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District, modified.
BLOCK 3		"G-3" (Public Parking Lots) District, modified to "H" (Community Shopping and Commercial, etc.) District, modified.

APPENDIX A


BIRKENDALE DR
PRELIMINARY
SITE PLAN
ADJACENT LANDS FOR FUTURE SUBDIVISION
N 72° 18' 20" W 115824 (380.0 FT)
APPENDIX "B"
LANDS TO BE SEVERED TO PERMIT CONSOLIDATION WITH ADJACENT LANDS AND SUBSEQUENT DEVELOPMENT AS RESIDENTIAL SUBDIVISION.
3000
4 PARK
11 PARK
NEW
EXIST
N 17° 05' 00" E 19797 (64.95 FT)
6096 (20.0 FT)
9 WAIT
8 PARK
13 WAIT
6 PARK
8 PARK
NEW
EXIST
30480 (100.0 FT)
N 17° 05' 00" E
8 PARK
3000
40200
8 PARK
4 PARK
New Building
5 PARK
N 72° 18' 40" W 92927 (304.88 FT)
1500
BEER STORE
PLAZA
6096 (20.0 FT)

TRAFFIC DEPARTMENT

City of HAMILTON

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
File No.
Received
APR 06 1995
TO | INIT. | INFO. | ACT.
DIR.
MGR.
SR

1995 April 4

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. Paul Mallard

Dear Sir:

Re: ZAC 95-11
141 Queenston Road

In response to your letter of 1995 March 16, please be advised that we have reviewed the above application and have the following comments.

The application to permit the development of the rear portion of the subject lands is satisfactory. However, we recommend that the development of the commercial portion of the proposal be developed under site plan control to ensure that the final design of the development is compatible with the residential lands to the north.

It should be noted that the preliminary plan shows the open side of the car wash bays facing the residential lands to the north. In a number of other car wash developments within the City, the open side of the car wash bays face away from the adjacent residential properties. We recommend that the applicant review this design feature and orient the car wash building in the direction that minimizes the noise impact on the adjacent residential properties.

With reference to the residential portion of the development, we recommend that the lot lines for the future residential lots fronting on Berkindale Drive be modified, as shown on the attached plan. The final location of the lot lines will be established at the land severance or plan of subdivision stage of development.

Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,

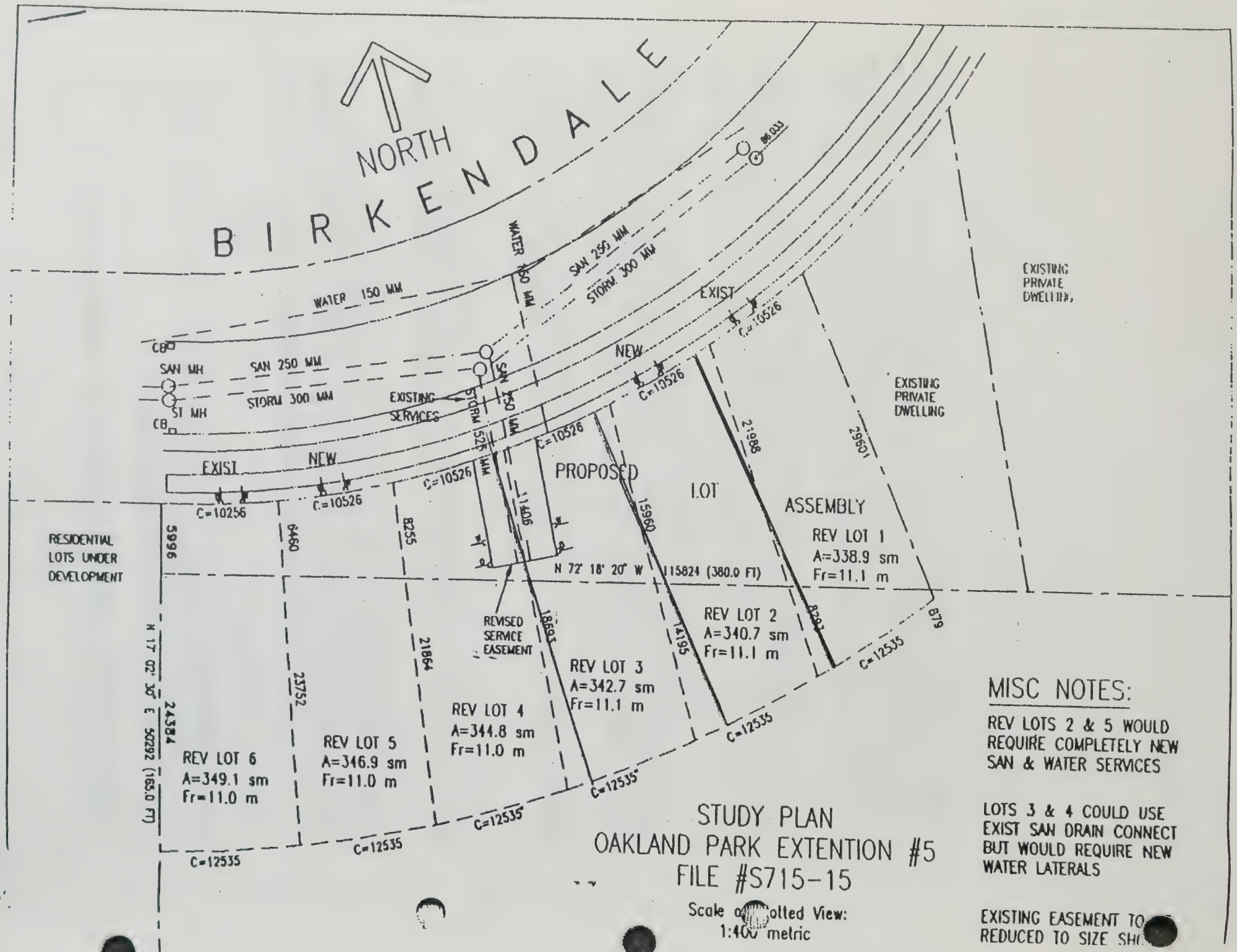
Murray F. Main

Murray F. Main, P. Eng.
Director of Traffic Services

RK/BF/kg
Attach.

APPENDIX C

c.c. E.P. Chajka, Manager of Development, Roads Department



STUDY PLAN
OAKLAND PARK EXTENTION #5
FILE #S715-15

Scale of Plotted View:
1:400 metric

MISC NOTES:

REV LOTS 2 & 5 WOULD REQUIRE COMPLETELY NEW SAN & WATER SERVICES

LOTS 3 & 4 COULD USE EXIST SAN DRAIN CONNECT BUT WOULD REQUIRE NEW WATER LATERALS

EXISTING EASEMENT TO BE REDUCED TO SIZE SHO

15

315 PBS

THE REGION OF HAMILTON-WENTWORTH

MEMORANDUM

****

TO: J. Lakatos
Planner
Planning & Development Department (Local)

YOUR FILE:

FROM: B. Matthews-Malone, P. Eng.
Manager, Infrastructure Planning
Environmental Services Department

OUR FILE: 72-06
PHONE: (905) 546-4299

SUBJECT: **Amended Zoning Application 95-11 for Lands Located at the Rear of No. 141 Queenston Road City of Hamilton**

DATE: September 7, 1995

We have reviewed the additional information provided to our office regarding the above referenced Zoning Application and offer the following comments.

Property ownership is the key issue for our review. In order to provide a response, we have assumed that the residential lots will be privately owned and that Blocks 2, 3 and the existing plaza property fronting Queenston Road are owned by one individual and in fact are considered one property. Please let us know as soon as possible if these assumptions are incorrect.

The owner is proposing connecting both the sanitary and water services for the new building to the existing plaza building fronting Queenston Road. We caution the owner to review the proposed private water and sanitary connections with the Roads Department prior to proceeding any further for compliance with Article 7.1.6.4. Separate Services, Ontario Building Code.

Prior to obtaining our approval the owner must substantiate, to our satisfaction, that there is sufficient sewer capacity on Queenston Road for connection of the new building as these lands were intended to be serviced to Berkindale Drive. The owner must be made aware that should the lands (Blocks 2, 3 and existing plaza) be severed in the future then the services will have to be separated (as a condition of severance) and the appropriate easements registered for crossing of lands.

Cont'd...

APPENDIX D

Amended Zoning Application 95-11 for Lands Located at the Rear of No. 141 Queenston Road City of Hamilton

Cont'd...

The proposed storm sewer connection, as inferred from the information given, is unacceptable as the existing storm sewer does not have spare capacity. Therefore, it will be necessary for the storm drainage to connect to Berkindale Drive. Should there be no other services required to Berkindale Drive then it is possible that a special service agreement could be arranged (as the new building does not front Berkindale Drive).

There are a number of options available to the owner and should they wish to discuss the matter further with us, they may contact either Gord Baguley or myself at 546-4430 or 546-4299, respectively.

BMM:kk

cc: C. Unelli, Roads Department

ROADS DEPARTMENT

MEMORANDUM

****

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
File No. ZAC-95-11 Received AUGUST 31,1995

TO:	P. Mallard Division Head, Land Use and Urban Design Department of Planning & Development	YOUR FILE:	ZAC-95-11
FROM:	E. P. Chajka, P. Eng. Manager of Development Roads Department	OUR FILE:	D20-1803
		PHONE:	(905) 546-2809
		FAX:	(905) 546-2870
SUBJECT:	**Zoning Application 95-11 for the lands Located at the rear or 141 Queenston Road**	DATE:	1995 August 30

TO | STAFF | INIT. | INFO. | ACT.
CART.
ADMIN

There are public watermains and separate storm and sanitary sewers available to service these lands.

Our records show that the existing sewer esaement is 12m wide and not 6m as indicated by the applicant. The 12m easement is Part 1 on Reference Plan 62R-10118 and was registered on February 27, 1988 as Instrument No. 246819 L.T.

With respect to the owner's request to reduce the existing sewer easement from 12m to 6m, we advise that this cannot be accomodated. The Region requires a minimum 12m easement for dual sewers. The relocation of the easement would be considered only in conjunction with a corresponding relocation of the sewers.

In addition, extension of the sewers and creation of a 12m wide easement to the south limit of the proposed development would be conditions necessary for the approval of this application - at the applicant's expense.

The designated road allowance width of Highway No. 8 is 36.58m. According to our records, the Ministry of Transportation of Ontario previously acquired the required road allowance widening on Highway No. 8 and no further road allowance widenings are anticipated at this time.

We have reviewed this application on the basis that this proposed commercial portion of this development will have access to Highway No. 8 only and not Grays Road as was previously proposed under other development proposals.

cont'd...

Zoning Application 95-11 for the lands
Located at the rear or 141 Queenston Road

cont'd...

The subject lands should be developed through site plan control at which time more detailed comments will be submitted.

We recommend that comments from the City of Stoney Creek and the Ministry of Transportation of Ontario be considered since access to the commercial lands is located within the City of Stoney Creek with access onto Highway No. 8 which is under the jurisdiction of the MTO.

Any works which may occur within the Berkindale Drive road allowance must conform to the City of Hamilton Streets By-law.

Eugene P. Chajka, P. Eng.
Manager of Development

CAU

cc: P. Strong, Roads Department
cc: R. Marini, City of Stoney Creek
cc: I. Neville, City of Stoney Creek

pc 13

4.

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO:	Tina Agnello, Secretary Planning and Development Committee	YOUR FILE:	
FROM:	J. J. Schatz City Clerk	OUR FILE: PHONE:	 546-2727
SUBJECT:	**Proposed Plan of Subdivision "Nash Acres"**	DATE:	1995 September 1

Council, at its meeting of 1995 August 29, referred back to the Planning and Development Committee the above-noted Item 5 of the 17th Report of the Planning and Development Committee as follows:

"5. (a) That application SAC-91-01 (Regional File No. 25T-91002(R)), Owen Jackson et. al., owner, to establish a draft plan of subdivision "Nash Acres", for lands located at the northerly end of Derek Court, south of King Street East, as shown on the attached map marked as Appendix "C", be denied for the following reasons:

(i) The proposal conflicts with the general intent of the City of Hamilton Official Plan; and,

(ii) The proposal conflicts with the general intent of the Hamilton-Wentworth Official Plan; and,

(iii) The proposal conflicts with the general intent of the approved Gershome Neighbourhood Plan; and,

(iv) The proposal does not comply with the City of Hamilton Zoning By-law No. 6593; and,

2 ...

Tina Agnello
Re: **Proposed Plan of Subdivision**
"Nash Acres"

(v) The proposal is considered to be premature pending the applicant demonstrating the suitability of the subject lands for development; and,

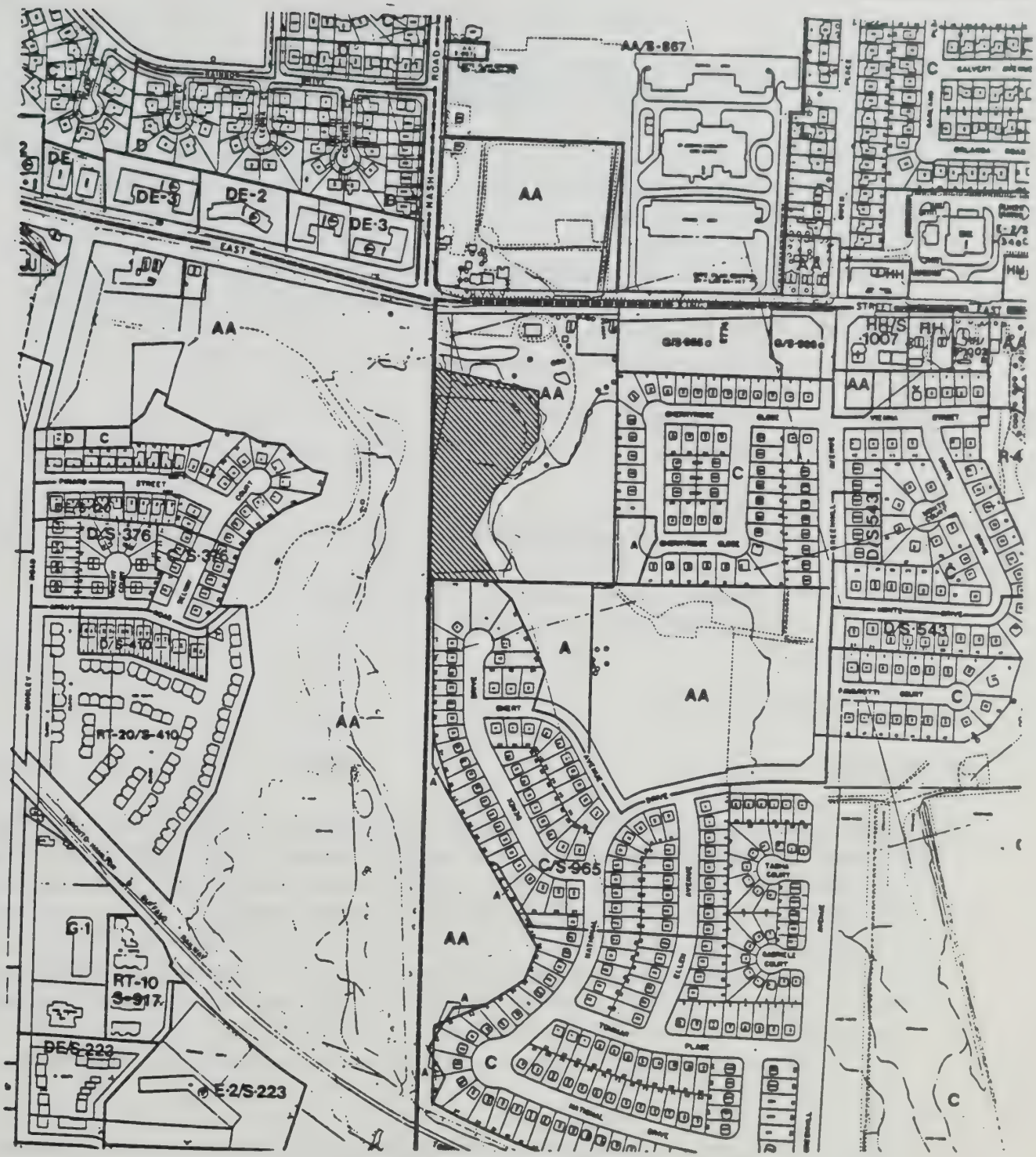
(vi) The subject lands are located in the Red Hill Creek - King's Forest Environmentally Sensitive Area. In this regard, the proposal would negatively affect the ESA; and,

(b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

JJS/TA/jt

cc: V. Abraham, Director of Local Planning
Planning and Development Department

Appendix "C" as referred
to in Section 5 of the
SEVENTEENTH Report of the
Planning and Development
Committee for 1995



Legend

Site of the Application

SAC - 91 - 01

CITY OF HAMILTON

- RECOMMENDATION -

DATE: August 25, 1995
(SAC-91-01)
Gershome Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Plan of Subdivision "Nash Acres"
(Regional File 25T-91002(R))

SECOND REPORT

RECOMMENDATION:

A) That application SAC-91-01 (Regional File No. 25T-91002(R)), Owen Jackson et. al., owner, to establish a draft plan of subdivision "Nash Acres", for lands located at the northerly end of Derek Court, south of King Street East, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) The proposal conflicts with the general intent of the City of Hamilton Official Plan;

ii) The proposal conflicts with the general intent of the Hamilton-Wentworth Official Plan;

iii) The proposal conflicts with the general intent of the approved Gershome Neighbourhood Plan;

iv) The proposal does not comply with the City of Hamilton Zoning By-law No. 6593;

v) The proposal is considered to be premature pending the applicant demonstrating the suitability of the subject lands for development; and,

vi) The subject lands are located in the Red Hill Creek - King's Forest Environmentally Sensitive Area. In this regard, the proposal would negatively affect the ESA.

B) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Planning and Development Committee:

Planning and Development Committee, at its meeting of August 23, 1995, recommended that the proposed plan of subdivision be denied. A copy of the staff report and notice that the matter was to be considered by the Committee was mailed to the applicant. However, the package was returned unopened to the Planning and Development Department on August 24, 1995. Consequently, the applicant did not receive the report prior to the Committee meeting nor did the applicant appear at the Committee meeting. The matter was referred back to Planning and Development Committee by Council at its meeting of August 29, 1995. This was to provide an opportunity for the applicant to appear before the Planning and Development Committee to discuss staff's recommendations.

Owner:

Owen Jackson et al

Agent:

Peter Ashenhurst, O.L.S., Ashenhurst and Nowens Ltd.

Surveyor:

Peter Ashenhurst, O.L.S., Ashenhurst and Nowens Ltd.

Location:

The lands are located south of King Street East at the northerly limit of Derek Drive, in the Gershome Neighbourhood (APPENDIX "A").

Lot Size and Area:

The subject property is an irregular shaped parcel of land and has;

- a lot width ranging from approximately 45 m (147 ft) to 105 m (345 ft);
- a lot depth of 205 m (670 ft); and,
- a lot area of 1.30 hectares (3.2 acres).

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District
Surrounding Land Use		
to the north	Vacant	"AA" (Agricultural) District
to the south	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District, modified
to the east	Vacant	"AA" (Agricultural) District
to the west	Vacant	"AA" (Agricultural) District

SUBDIVISION PROPOSAL

The owner is proposing to subdivide the lands into 13 lots for single detached dwellings and two blocks for open space purposes (see APPENDIX "B").

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan:

The lands are identified as "Existing Development" in the "Urban Policy Areas" in the Hamilton-Wentworth Official Plan (HWOP). The lands are within the "Red Hill Creek - King's Forest" Environmentally Sensitive Area.

The proposal does not conform to the HWOP. The proposal conflicts with Section C.1.1 (Environmentally Significant Areas) policies.

City Of Hamilton Official Plan:

The subject lands are designated "Open Space" on Schedule "A" - Land Use Concept; "Hazard Lands" on Schedule "C"; and, "Environmentally Sensitive" on Schedule "D" - Environmentally Sensitive Areas. The proposal conflicts with the intent of the Official Plan. As such, an Official Plan Amendment would be required to permit the proposed development. As of August 25, 1995, the proponent has not made an application for an Official Plan Amendment.

Neighbourhood Plan:

The subject lands are designated partially "Single and Double Residential" and "Open Space" in the approved Gershome Neighbourhood Plan. The proposed development is contrary to the intent of the Neighbourhood Plan, which at the very most contemplated a small private road with a few houses.

Zoning:

The subject lands are zoned "AA" (Agricultural) District. The proposal conflicts with the Zoning By-law. Approval of the application would require a rezoning from the established "AA" District zoning to "C" (Urban Protected Residential, etc.) District. To date, an application for a change in zoning has not been received.

COMMENTS RECEIVED ON SUBDIVISION PROPOSAL:

The following agencies have no comment or objections to the proposal:

- Hamilton Wentworth Catholic Separate School Board; and,
- The Board of Education for the City of Hamilton

The Hamilton-Wentworth Roads Department has submitted the following comments and recommendations:

"For Information:

The Hamilton Street and Railway have commented that "this planned subdivision is beyond 400 metres from transit service" and that their Department have no further comment.

Our Transportation section notes that the revised draft plan does not meet the required centreline to centreline alignment as stipulated in Recommendation 2, of our previous comments.

Recommendations:

1. The extension of Derek Drive to the north, indicated as Parts 3 and 4, on Plan 62R-9941, does not align centreline to centreline with the 20 metre Derek Road allowance to the south as established by plan 62M-538. There appears to be a 4 to 5 metre offset between the centreline of the roads.

   The revised Plan as submitted will require a number of reverse curves to be constructed in this very short section of road which is not desirable. The following are a number of options that the developer may undertake to resolve this matter:

   i) The draft plan and the proposed road shown on Plan 62R-9941 must be revised or realigned in order that the 20 metre road allowance of street "A" aligns centreline to centreline with the 20 metre road allowance for Derek Drive as established under Plan 62M-538. This can be accomplished by either a straight line extension of the existing 20 metre road allowance which will require the realignment of street "A" to the west or a satisfactory horizontal curve design between the 20 metre Derek Drive as established under Plan 62M-538 and street "A" on the revised proposed draft plan.

   ii) That the existing pavement on Derek Drive, south of the subject lands be removed and reconstructed in order that satisfactory horizontal curves can

be constructed to properly align the proposed road between the existing Derek Drive road allowance which is 20 metres in width and Street "A" shown on the revised draft plan.

iii) In order to assess the impact of these road works on the existing houses and driveways on Derek drive, our office requires that the applicant submit a survey plan outlining the position of all existing buildings and driveways related to the property line and existing face of curb on Derek Drive for Lots 46 to 53 (inclusive), Plan 62M-538. This is required to ensure that there are no driveway overlaps or conflicts.

2. That the owners satisfy all engineering and financial requirements of the City of Hamilton.

3. That the owners satisfy all engineering and financial requirements of the Regional Municipality of Hamilton-Wentworth. The Region will require easements over lands of the subdivider.

4. That a comprehensive storm water management and erosion control study be conducted at the expense of the subdivider for this development.

5. That the applicant submit a preliminary grading plan prior to final approval of the draft plan. The grading plan is to be based on the approved engineering drawings for the extension of Derek Drive.

6. That the applicants Professional Consulting Engineer provide a complete Geotechnical Report for soils and ground conditions in order to provide evidence that the engineered fill areas will have adequate stability.

The submitted plan, as prepared by John P. Nowens, O.L.S. and dated April 7, 1994, is deemed to be unsatisfactory to the Transportation/Environmental Services Group, Roads Department in its present form."

The Hamilton Region Conservation Authority has submitted the following comments and conditions:

"Approximately 60% of the subject property is located within a regulated area associated with the Red Hill Creek Valley system. As such, this area is subject to Ontario Regulation 151/90, the Fill, Construction and Alteration to Waterways Regulation of the Hamilton Region Conservation Authority. Any proposal to place or remove fill material, alter existing grades, erect a structure or alter a waterway within the regulated area will require a permit issued by this agency, pursuant to said regulation.

The top of bank has been surveyed and is illustrated on the draft plan of subdivision dated April 7, 1994. The Conservation Authority's Plan Review Guidelines recommend a minimum 7.62 metre (25 foot) setback from the top of bank for all structural development. Development of this property must adhere to this setback requirement. Authority staff request that the valley slope and associated setback be defined in the subdivision agreement and implementing zoning by-law for the property.

There are a number of mature trees on each of the proposed lots. Conservation Authority Plan Review Guidelines encourage minimal disturbance to treed areas and recommend that building envelopes be established to clearly identify areas for future development. Trees within the building envelope can be removed in advance of the development to pre-stress the surrounding trees. In this connection, a tree preservation and landscape plan should be prepared and implemented for the subject property.

The natural overland flow of stormwater is not concentrated in any particular location. The proposed development will add impervious surfaces and increase stormwater runoff. As such, a grading plan and a stormwater management plan should be developed that maintains the natural overland flow for the residential lots. Current provincial drainage and stormwater quantity and quality guidelines combined with Best Management Practices should be utilized. The grading plan should utilize existing grades to the greatest degree possible.

The subject property is heavily vegetated with a variety of tree and shrub species. Placement of fill, grading, the removal of vegetation and the construction process may increase erosion and sedimentation on and off the subject property. As such, an erosion and sediment control plan should be prepared and implemented for this development to the satisfaction of the Hamilton-Region Conservation Authority.

To address concerns of large areas being stripped of vegetation and graded, Authority staff recommend that areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch. This requirement should be written into the subdivision agreement for this development and enforced by the Hamilton Region Conservation Authority and the City of Hamilton.

The subject property is located within the Red Hill Creek - King's Forest Environmentally Sensitive Area (E.S.A.). Both the Region of Hamilton-Wentworth and the City of Hamilton have designated the Red Hill Creek - King's Forest as environmentally sensitive. Development in this area may have a negative impact on the natural features of the E.S.A. and will be subject to the Environmental Policies of the Region of Hamilton-Wentworth and City of Hamilton Official Plans. Development of the subject property should be contingent on the results of the review of the Scoped Environmental Impact Statement prepared by Basciano O'Conner dated August 1994.

Based on the above, staff have no objection to the approval of the above noted subdivision subject to the following conditions:

1. That the applicant comply with the requirements of Ontario Regulation 151/90, the Fill, Construction and Alteration to Waterways Regulation of the Hamilton Region Conservation Authority.

2. That a minimum 7.62 metre (25 foot) setback from the surveyed top of bank for all structural development be maintained. Authority staff request that the valley slope and associated setback be defined in the subdivision agreement and implementing zoning by-law for the property.

3. That the applicant prepare and implement a tree preservation and landscape plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority.

4. That the applicant prepare and implement a stormwater management plan for the proposed development. The stormwater management plan should seek to maintain the natural overland flow for the residential lots. Current provincial drainage and stormwater quantity and quality guidelines combined with Best Management Practises should be utilized.

5. That the applicant prepare and implement a grading plan for the proposed development. To maintain the natural features of the property, the grading plan should utilize existing grades to the greatest degree possible.

6. That the applicant prepare and implement an erosion and sediment control plan for the subject property.

7. That the approved erosion and sediment control plan be implemented prior to any vegetation removal, grading or construction on the subject property.

8. That the applicant comply with the environmental policies of the City of Hamilton and the Region of Hamilton-Wentworth. Development of the subject property should be contingent on the results of the review of the Scoped Environmental Impact Statement prepared by Basciano O'Conner dated August, 1994."

The Traffic Department has submitted the following comments:

"...please be advised that we have reviewed the above plan of subdivision and find it satisfactory."

The Building Department submitted the following comments:

> "1. This areas has not yet been rezoned from AA. Therefore, we do not know the minimum lot widths and areas."

The Ministry of Environment and Energy and the Ministry of Natural Resources advised that they had no objection to the approval of the application subject to the applicant satisfying provincial water, sanitary sewer, storm water management and grading requirements. The Ministries comments are attached as APPENDICES "C" and "D".

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. Approval of the application would require an Official Plan Amendment to redesignate the subject lands from "Open Space" on Schedule "A" - Land Use Concept; "Hazard Lands" on Schedule "C"; and, "Environmentally Sensitive" on Schedule "D" - Environmentally Sensitive Areas to "Residential". The proposal conflicts with the intent of the Official Plan. Therefore, an Official Plan Amendment would be required to permit the proposed development. As of August 25, 1995, the proponent has not made an application for an Official Plan Amendment.

   In accordance with Section A.3.2 of the Official Plan, where development is proposed on or adjacent to an environmentally sensitive area, then the proponent will be required to prepare a Feasibility Study and Impact Analysis to demonstrate that development is feasible. As noted below, the proponent has submitted an environmental impact statement to the Environmentally Significant Areas Impact Evaluation Group (ESAIEG).

   The proposed plan of subdivision has been reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG). ESAIEG reviewed the Scoped Environmentally Impact Study submitted by the applicant. ESAIEG, at its meeting of September 7, 1994, advised that the potential impacts of the proposed subdivision would be unacceptable for the following reasons:

   i) removal of the vegetation on the site would be a significant direct impact on the Redhill Creek ESA given its significance as a large greenspace in an otherwise urban area; and,

   ii) the proposed development would adversely affect the continuity of the existing natural areas within the ESA.

   Planning Department staff have been advised that the ESA is significant because of its ecological functions as a corridor.

On the basis of the foregoing, Planning Department staff could not support a proposed official plan amendment to permit residential development on the subject lands.

2. The proposal conflicts with the general intent of the approved Gershome Neighbourhood Plan. The proposed development is contrary to the intent of the Neighbourhood Plan, which at the very most contemplated a small private road with very limited development, whereas the proposal is for 13 lots fronting onto a road constructed to full municipal standards.

3. The Roads Department has advised that the application is unsatisfactory. The Roads Department has advised that a complete Geotechnical Report for soils and ground conditions prepared by a Professional Consulting Engineer is required to provide evidence that the engineered fill areas will have adequate stability. In addition, the Roads Department advised that a survey plan outlining the position of all existing buildings and driveways related to the property line and existing face of curb on Derek Drive for Lots 46 to 53 (inclusive), Plan 62M-538 is required to ensure that there are no driveway overlaps or conflicts. In addition, a comprehensive storm water management and erosion control study, prepared by the applicant and submitted to the City for review and approval, is required in order to assess the suitability of the subject lands for development and the effect of the proposed development on the adjacent ESA. The Roads Department further advised that a preliminary grading plan is required. In the absence of this information, the application is considered to be premature in that the proposed plan of subdivision does not comply with Section 51(24) of the Planning Act.

4. On the basis of the foregoing, the proposed plan of subdivision "Nash Acres" cannot be supported for the following reasons:

   - it conflicts with the intent of the Official Plan;
   - it conflicts with the intent of the approved Gershome Neighbourhood Plan; and
   - the subject lands are partially located in an Environmentally Sensitive Area. ESAEIG has advised that removal of the vegetation on the site would be a significant direct impact on the Redhill Creek ESA given its significance as a large greenspace in an otherwise urban area. ESAIEG further advised that the proposed development would adversely affect the continuity of the existing natural areas within the ESA.

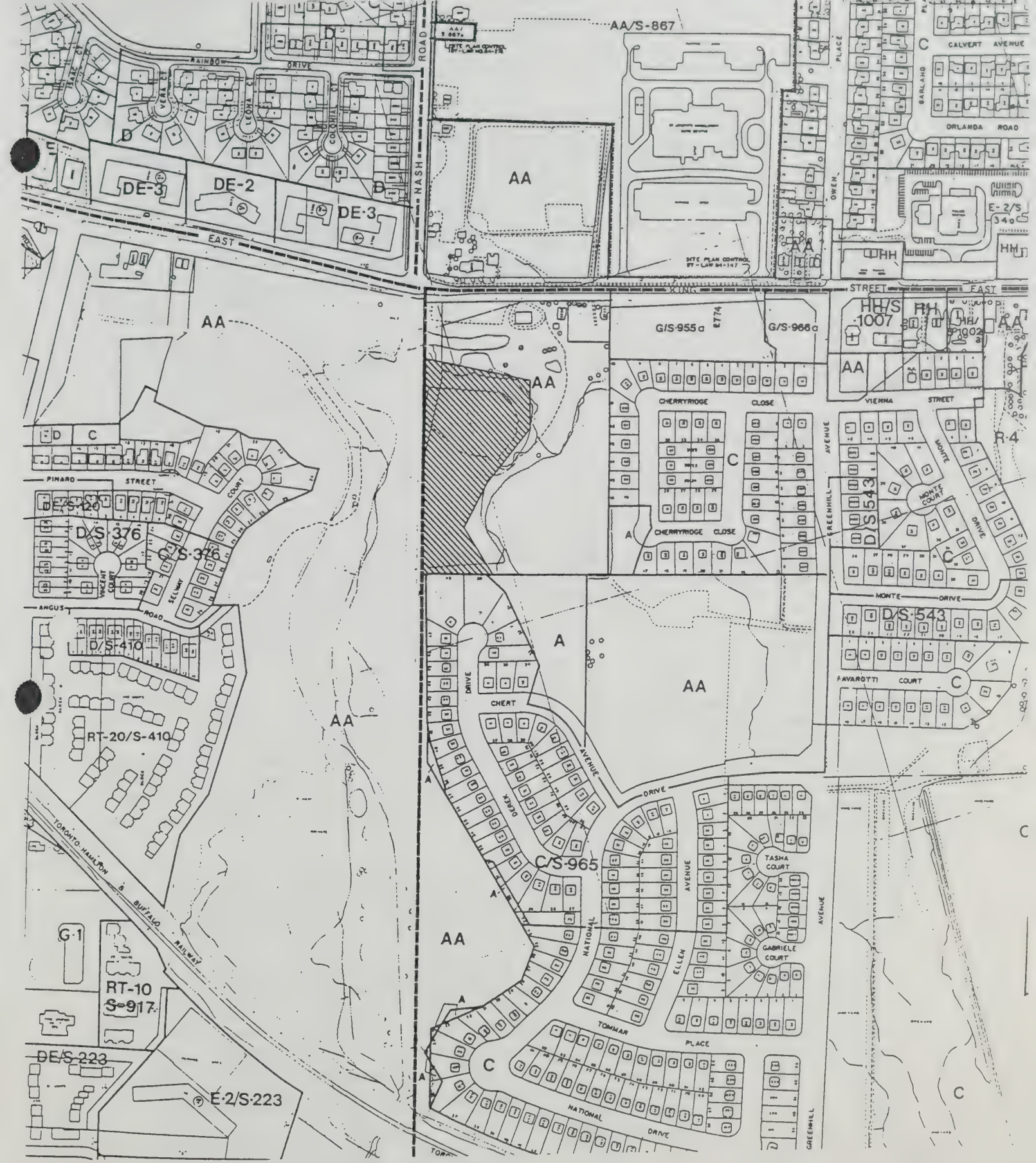
However, should the Committee consider the application favourably, then the matter should be referred back to Planning staff and that the applicant should be requested to prepare the necessary studies, including a geotechnical study and storm water management study, to demonstrate the suitability of the subject lands for residential development. Based on the results of these studies, if development can proceed then

Planning staff will have to prepare the necessary conditions of draft plan approval for presentation to the Planning and Development Committee. In addition, the applicant should be required to submit an application for a change in zoning and amendment to the Official Plan. Furthermore, the applicant will be required to make an application for a Regional Official Plan Amendment which would have to be approved by the Region prior to the approval of any local official plan amendment and the proposed plan of subdivision.

CONCLUSION:

On the basis of the foregoing, the proposal cannot be supported.

SR
SAC-94-01

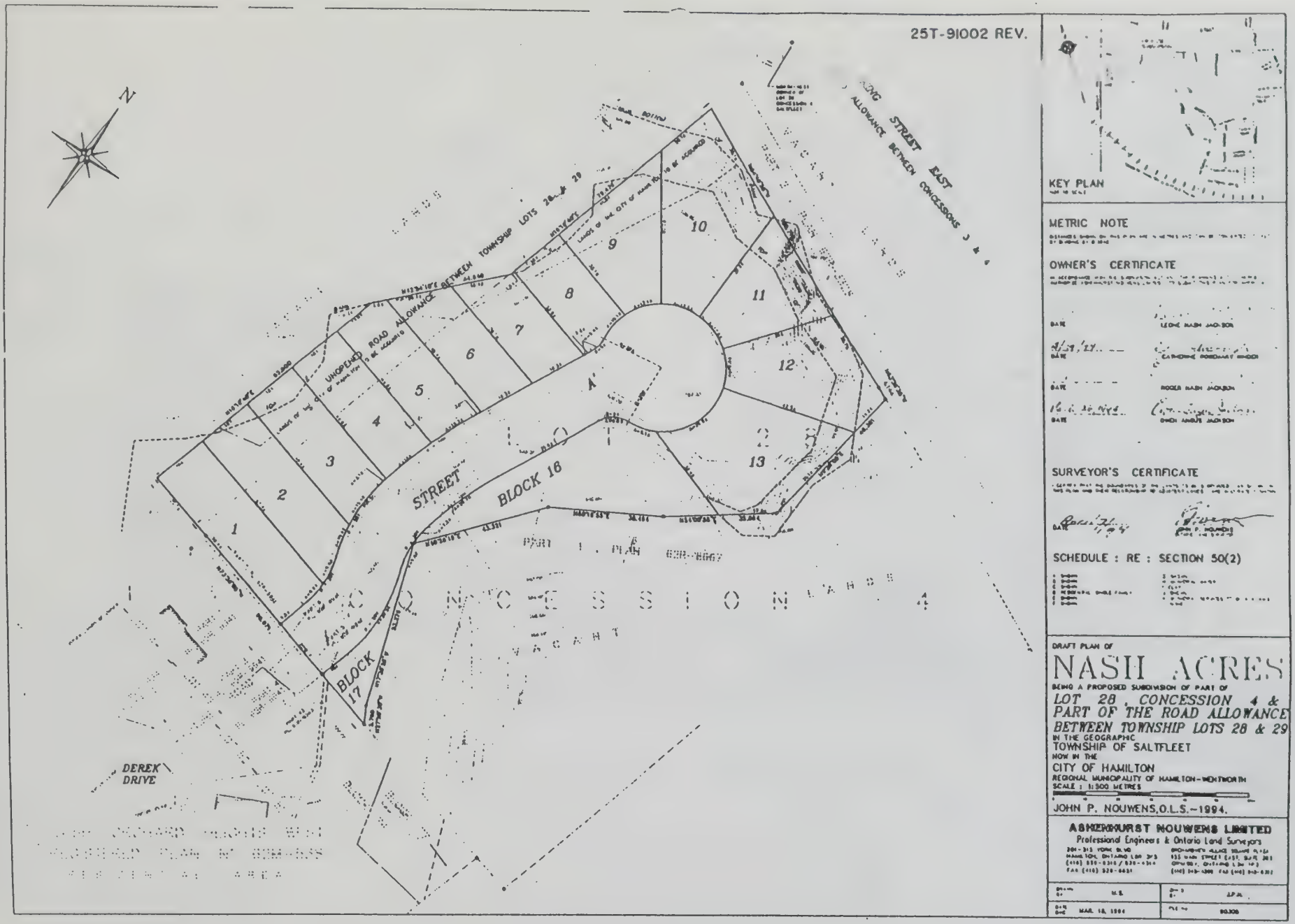


Legend

Site of the Application

SAC-91-01

APPENDIX "A"


25T-91002 REV.
N
KEY PLAN
METRIC NOTE
OWNER'S CERTIFICATE
SURVEYOR'S CERTIFICATE
SCHEDULE : RE : SECTION 50(2)
DRAFT PLAN OF
NASH ACRES
BEING A PROPOSED SUBDIVISION OF PART OF
LOT 28 , CONCESSION 4 &
PART OF THE ROAD ALLOWANCE
BETWEEN TOWNSHIP LOTS 28 & 29
IN THE GEOGRAPHIC
TOWNSHIP OF SALTFLEET
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE : 1:500 METRES
JOHN P. NOUWENS, O.L.S.-1994.
ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors
MAR. 18, 1994
90308
LONG STREET EAST
ALLOWANCE BETWEEN CONCESSIONS 3 & 4
UNOPENED ROAD ALLOWANCE
STREET
BLOCK 16
BLOCK 17
DEREK DRIVE
CONCESSION 4
1
2
3
4
5
6
7
8
9
10
11
12
13

APPENDIX "B"

Ontario

Ministry of Environment and Energy

Ministère de l'Environnement et de l'Énergie

119 King St W
12th floor – Box 2112
Hamilton ON L8N 3Z9

119 rue King ouest
12e étage – Casier 2112
Hamilton ON L8N 3Z9

REGIONAL PLANNING BRANCH
SUBDIVISION/CONDOMINIUM ADMINISTRATION SECTION
FILE NO. 25T-91002 (R)
DATE RECEIVED MAY 25 1994

TO:	INT.	ACT.	INFO.
DIRECTOR/ DIV. HEAD			
MANAGER			
STAFF			

(N)

May 20, 1994

The Regional Municipality of Hamilton-Wentworth
Planning and Development Department
P.O. Box 910
Hamilton, Ontario
L8N 3V9

Attention: Lou Lanza, Manager

Dear Mr. Lanza:

RE: Draft Plan of Subdivision 25T-91002 (Revised)
Part Lot 28, Concession 4, and Part of Road Allowance between Lots 28 & 29
City of Hamilton
(Nash Acres)

The Ministry of Environment and Energy has reviewed the above noted proposal in terms of policies, goals, and objectives of this Ministry. The revised proposal is for 13 single family residential units (size of subject lands not indicated), within the City of Hamilton. Servicing requirements for the proposed draft plan of subdivision will be met by municipal water supply and sanitary service. The Ministry wishes to provide the following comments.

In light of the above facts, and in the absence of any evident potential for significant land use conflicts, I may advise you that the Ministry of Environment and Energy would have no objection to draft approval to Plan of Subdivision 25T-91002 (revised).

Additionally, for the proponent's information, we request that the following be added as "Notes to Draft Approval":

1. The proposed water distribution system meets the definition of a "water works" under the Ontario Water Resources Act; therefore, approval of the Director must be obtained under Section 52 of the Ontario Water Resources Act, R.S.O. 1990, prior to construction of the water supply system. The proponent must ensure that the application for Approval of Water Works, and appropriate supporting information are submitted to the Ministry of Environment and Energy.

APPENDIX "C"

2. The proposed stormwater management system meets the definition of a "sewage works" under the Ontario Water Resources Act; therefore, approval of the Director must be obtained under Section 53 of the Ontario Water Resources Act, R.S.O. 1990, prior to construction of the stormwater management system. The proponent must ensure that the application for Approval of Sewage Works, and appropriate supporting information are submitted to the Ministry of Environment and Energy.

3. The proposed sanitary sewage collection system meets the definition of a "sewage works" under the Ontario Water Resources Act; therefore, approval of the Director must be obtained under Section 53 of the Ontario Water Resources Act, R.S.O. 1990, prior to construction of the sanitary sewage collection system. The proponent must ensure that the application for Approval of Sewage Works, and appropriate supporting information are submitted to the Ministry of Environment and Energy.

Should you have any questions or concerns, please do not hesitate to contact me at (905) 546-8258.

Yours truly,

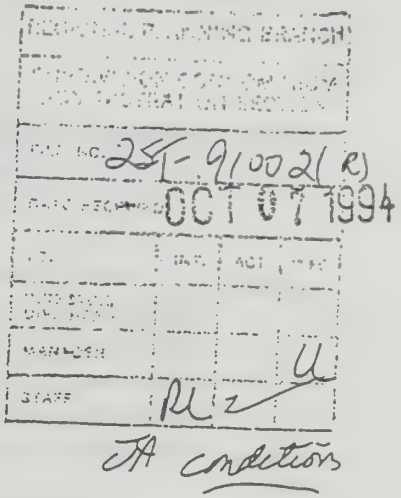
Brad Farnand

Brad Farnand
Environmental Planner
Approvals and Planning
West Central Region

Ontario

Ministry of Natural Resources
Ministère des Richesses naturelles
Fonthill Area Office
P.O. Box 1070
Fonthill, Ontario
L0S 1E0

Ref: 25T-91002(R)



October 5, 1994

Regional Municipality of Hamilton-Wentworth
Planning and Development Department
P.O. Box 910
Hamilton, Ontario
L8N 3V9

ATTENTION: L. Lanza

Dear Sirs:

SUBJECT: Revised Plan of Subdivision
Nash Acres - Owen Jackson (owner)
Part lot 28, Concession 4 and part of
Road Allowance betwn lots 28 & 29 (Saltfleet)
City of Hamilton

Staff of the Ministry of Natural Resources have now reviewed the above revised plan, dated March 18, 1994. There is a tributary to Red Hill Creek in the area, which appears to flow through an easement surrounding the subject lands. We support the retention of the watercourse as an open channel, and would encourage the naturalization and revegetation of the channel area, if at all possible, to improve both water quality treatment and aesthetics.

We assume that servicing for this site will be tying into existing services in the area. As such, and considering the size of the site, we would expect that opportunities to provide stormwater quality control facilities would be limited. However, Best Management Practices, including soft measures such as disconnected roof leaders and the use of grassed swales, should be examined for feasibility to provide some level of stormwater quality treatment. 'Treatment' refers to the use of appropriate Best Management Practices to provide some form (or forms) of water quality abatement usually accomplished by allowing stormwater run-off to infiltrate into the ground or through temporary stormwater detention or retention that would allow some settling of suspended solids and associated contaminants, prior to release.

Accordingly, the Ministry of Natural Resources would not object to draft approval, subject to the following conditions:

1) Prior to final registration of the plan of subdivision, or any on site grading, the Ministry of Natural Resources must have reviewed and approved the following reports describing:

   (a) the manner in which stormwater will be conveyed from the site, including stormwater management techniques in accordance with the current provincial drainage and stormwater quantity and quality guidelines;

...2

APPENDIX "D"

(b) appropriate Best Management Practices (BMPs) to be used to treat stormwater, to ensure no negative impact on the quality and quantity of ground and surface water resources as it relates to fish and their habitat;

(c) the means whereby erosion and sediment and their effects will be minimized on-site during and after construction, in accordance with the most current provincial guidelines on erosion and sediment control. This plan, designed and stamped by a registered professional engineer is to outline all actions to be taken to prevent erosion and sedimentation, and must present information on site conditions including grain size distribution profiles and infiltration characteristices; and,

(d) site grading plans.

2) That the owner agree in the subdivision agreement, in wording acceptable to the Ministry of Natural Resources:

(a) to carry out or cause to be carried out the works referred to in condition 1 above, to the satisfaction of the Ministry of Natural Resources; and,

(b) to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Ministry of Natural Resources.

Please advise us of your decision. Should you have any questions or wish to discuss any of these comments in more detail, please contact Kathleen Armstrong of this office.

Yours sincerely,

Armstrong

F. Barbetti
A/Area Supervisor
Niagara North
(905) 892-2656

KArmstrong/ka

cc. Hamilton Region Conservation Authority
City of Hamilton

:25T91002.H

(6a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: September 11, 1995
(SAR-95-09)
Carpenter Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision "Parkside Courts"
(File No. SAR-95-09/Regional File 25T-95001)

RECOMMENDATION:

1. That approval be given to application SAR-95-09 (Regional File No. 25T-95001), Shedaco Holdings Limited, owner, to establish a draft plan of subdivision "Parkside Courts", on lands located south of Rymal Road West and east of Upper Paradise Road in the Carpenter Neighbourhood, as shown on the attached map marked as APPENDIX "A" subject to the following conditions:

   i) That this approval apply to the plan, as revised in red, prepared by A.J. Clark and Associates Ltd. and certified by B.J. Clark, O.L.S., dated January 27, 1995, showing 21 lots for single detached dwellings, 7 blocks for future residential purposes and 1 block for future development with adjacent lands for parkland.

   ii) That the Owner acquire all necessary lands to establish Street "A" to its full 20.0m width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision.

   iii) That Blocks 22 to 28 inclusive, on the red-line revised plan, must be developed in conjunction with adjacent lands.

iv) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

v) That the Owner convey Block 29 to the City of Hamilton by deed for Park/Open Space purposes and that the value of Block 29 be credited towards the cash payment required in lieu of the conveyance of 5% of the land for parkland included in the plan.

vi) That the Owner, at the time of services installation on Street "A", provide water, sanitary and storm sewers and hydro electric services to the property line at Block 29.

vii) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

viii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

ix) That the owner prepare and submit, to the satisfaction of the City of Hamilton, a municipal street numbering plan.

x) That the final plan conform with the Zoning By-law approved under the Planning Act.

xi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan.

xii) That the proposed plan of subdivision not be registered until the applicant has applied for the removal of the holding provision on the subject lands from the zoning by-law.

xiii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

xiv) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

2. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95001), Shedaco Holdings Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

3. That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Shedaco Holdings Limited (c/o R. Shelley), owner.

Agent and Surveyor:

B. J. Clarke, O.L.S., A.J. Clarke and Associates Ltd.

Location:

The lands are located south of Rymal Road West, east of Upper Paradise Drive in the Carpenter Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The subject property has an irregular shape with:

- a minimum width of 22.892 m;
- a minimum depth of 104.6 m; and,
- an area of 1.9 ha.

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Single Detached Dwelling and Vacant	"B" (Suburban Agricultural and Residential) District (Lot 21) and "C"-'H' (Urban Protected Residential, etc. - Holding) District (Lots 1-20 and Blocks 22-29) (as per red-line revised plan)
Surrounding Land Use		
to the north	Single Detached Dwellings	"AA" (Agricultural) District and "B" (Suburban Agricultural and Residential) District
to the south	Vacant	"A" (Conservation, Open Space, Park and Recreation) District and "AA" (Agricultural) District
to the east	Single Detached Dwellings and Vacant	"AA" (Agricultural) District, modified
to the west	Single Detached Dwellings	"AA" (Agricultural) District, "B" (Suburban Agricultural and Residential) District and "C" (Urban Protected Residential, etc.) District

Subdivision Proposal:

The owner has applied to subdivide the subject lands into 22 lots for single detached dwellings, 7 blocks for future residential purposes in conjunction with the lands to the west and 1 block for future development with adjacent lands for parkland (see attached APPENDIX "B").

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

City of Hamilton Official Plan:

The subject lands are designated "Residential". The proposal would comply with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Single and Double" and "Park and Recreational" on the approved Carpenter Neighbourhood Plan. The proposal complies with the neighbourhood plan.

Zoning:

The subject lands are zoned "AA" (Agricultural) District (Block 29), "B" (Suburban Agricultural and Residential) District (Lot 22) and "C"-'H' (Urban Protected Residential, etc. - Holding) District (Lots 1-21 and Blocks 23-28).

In 1993, Council passed By-law No. 93-264 which changed the zoning on the southerly portion of the subject lands from "AA" (Agricultural) District to "C"-'H' District. The removal of the holding restriction, by way of an amendment to the Zoning By-law, is conditional on the installation of all such municipal storm and sanitary sewers as the City deems necessary to service the lands. An application for removal of the holding provision will be necessary after storm and sanitary sewers have been installed.

COMMENTS FROM CIRCULATION:

- The Niagara Peninsula Conservation Authority had no objection to the approval of this application.

- The Roads Department has submitted the following comments and recommendations:

  "For Information:

  1. For the information of the applicant/owner, Lot 22 can be serviced from the existing watermain on Rymal Road West. However, Lots 1-21 will have to await the extension of the watermains from the west through the Highridge South Phase 2 development.

  2. All the proposed lots and blocks cannot be registered until the sewer outlets are available at the east limits of Street "A". The Street "A" sewer systems must be designed to accommodate the external drainage from the west."

Recommendations:

1. That the applicant/owner acquire the necessary lands to establish Street "A" to its full 20.0 m width.

2. That the applicant/owner convey Block 29 to the City of Hamilton by deed for Park/Open Space purposes.

3. That Court "B" be realigned to intersect Street "A" at right angles for a distance of 6.0 m.

The submitted plan as prepared by B.J. Clark, O.L.S., dated January 27, 1995, is satisfactory to the Transportation/Environmental Services Group subject to the above noted recommendations."

- The Public Works Division advised:

"We have reviewed the above proposed plan of subdivision and have no specific comments regarding the proposed plan,but request that at the time of services installation on Street "A", that water, sanitary & storm sewer and hydro services be installed to the property line at block 29 which we understand will form a part of the future neighbourhood park."

- The Traffic Division advised that:

"That plan as submitted is satisfactory. However, prior to the development of the subject lands, additional lands should be acquired to facilitate the establishment of the full 20.0m road allowance of Street "A" in the area immediately south of Court "B"."

- The Building Department advised that:

"1. The present zoning applicable to lots 1 - 21 and the blocks is C-H. The "H" provisions prevent the development of the lands until an amending by-law is passed.

2. Blocks 23-29 must be developed in conjunction with adjacent lands.

3. Each lot must have an area of 360 m^2. The irregularity of lot 1 makes this difficult to confirm.

- The Ministry of Environment and Energy advised:

"The one comment we have is in regards to the potential of excessive noise levels from the vehicular traffic on Rymal Road that may interfere with the activities of the occupants on lot 22.

Therefore, we are recommending that remedial acoustical measures be implemented during the construction of the dwelling on this lot and an appropriate warning clause be included in the subdivision agreement."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the approved Carpenter Neighbourhood Plan.

3. The application has merit and can be supported on the following basis:

   - it complies with the intent of the Official Plan;
   - it complies with the intent of the approved neighbourhood plan;
   - it is compatible with existing and proposed development in the area.

4. The proposed plan of subdivision has been red-lined revised to improve the site distance at the intersection of Street "A" and Court "B", as per the recommendation of the Roads Department (see Appendix "C").

   In addition, the proposed plan has been red-lined revised as follows:

   i) Lot 22 revised to Lot 21; and,

   ii) Lot 21 revised to Block 22.

   This revision is necessary to ensure Lot 21, as proposed, is developed in conjunction with the abutting lands to the west to prevent the creation of a residual parcel of land.

5. Lots 1-20 and Blocks 22-28 are currently zoned "C"-'H' (Urban Protected Residential, etc. - Holding) District. This provision can be removed once sanitary sewers are available to service the lands by amendment to the zoning by-law.

6. The Regional Planning Department has advised that as a condition of draft plan approval the Region will require, among other conditions, the following condition:

   - That the proponent satisfy Ministry of Environment and Energy's condition with respect to requiring remedial acoustic measures and an appropriate warning clause advising of the potential for excessive noise levels from the vehicular traffic on Rymal Road that may interfere with the activities of the occupants on lot 22.

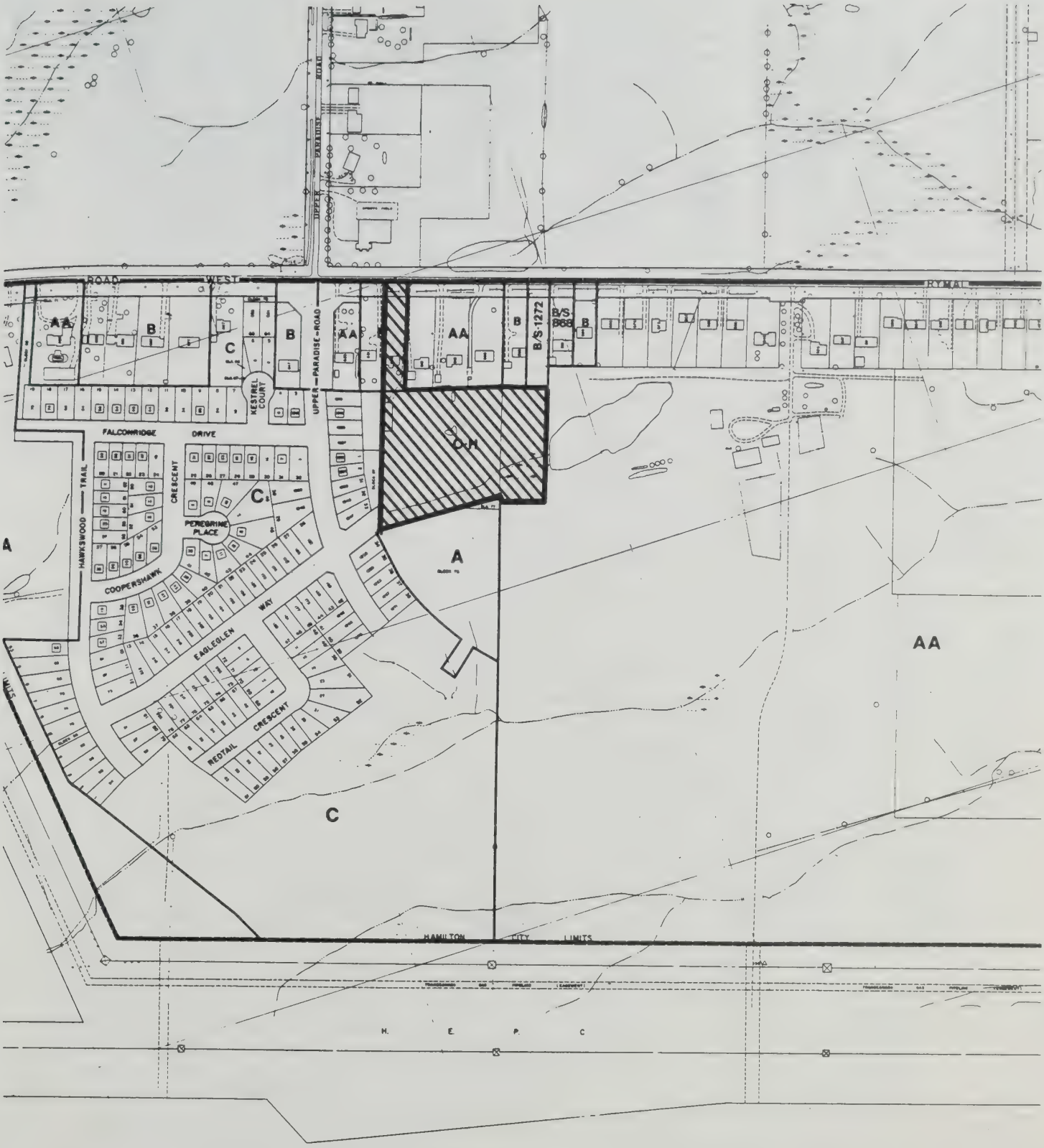
7. In accordance with Section 51.1 of the Planning Act, the City can request that the applicant convey 5% of the land within a plan of subdivision for parkland purposes. Alternatively, the City can request that the applicant make a cash payment in lieu of conveyance of land for park purposes. The total area of the subdivision is 1.9 ha. (19,000 m^2). As such, the required 5% parkland dedication would be 950 m^2.

   The applicant is proposing to convey Block 29 to the City for park purposes. However, Block 29 has a total area of approximately 407 m^2. The exact size of the block will be determined prior to registration of the plan when the owner provides the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan. As such, an addition 543 m^2 of parkland or cash equivalent is required. Therefore, the applicant should be required to make a cash payment in lieu of the required 5% land dedication for the balance of the required land for park purposes.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

SR/sr
SUB95-09.RPT

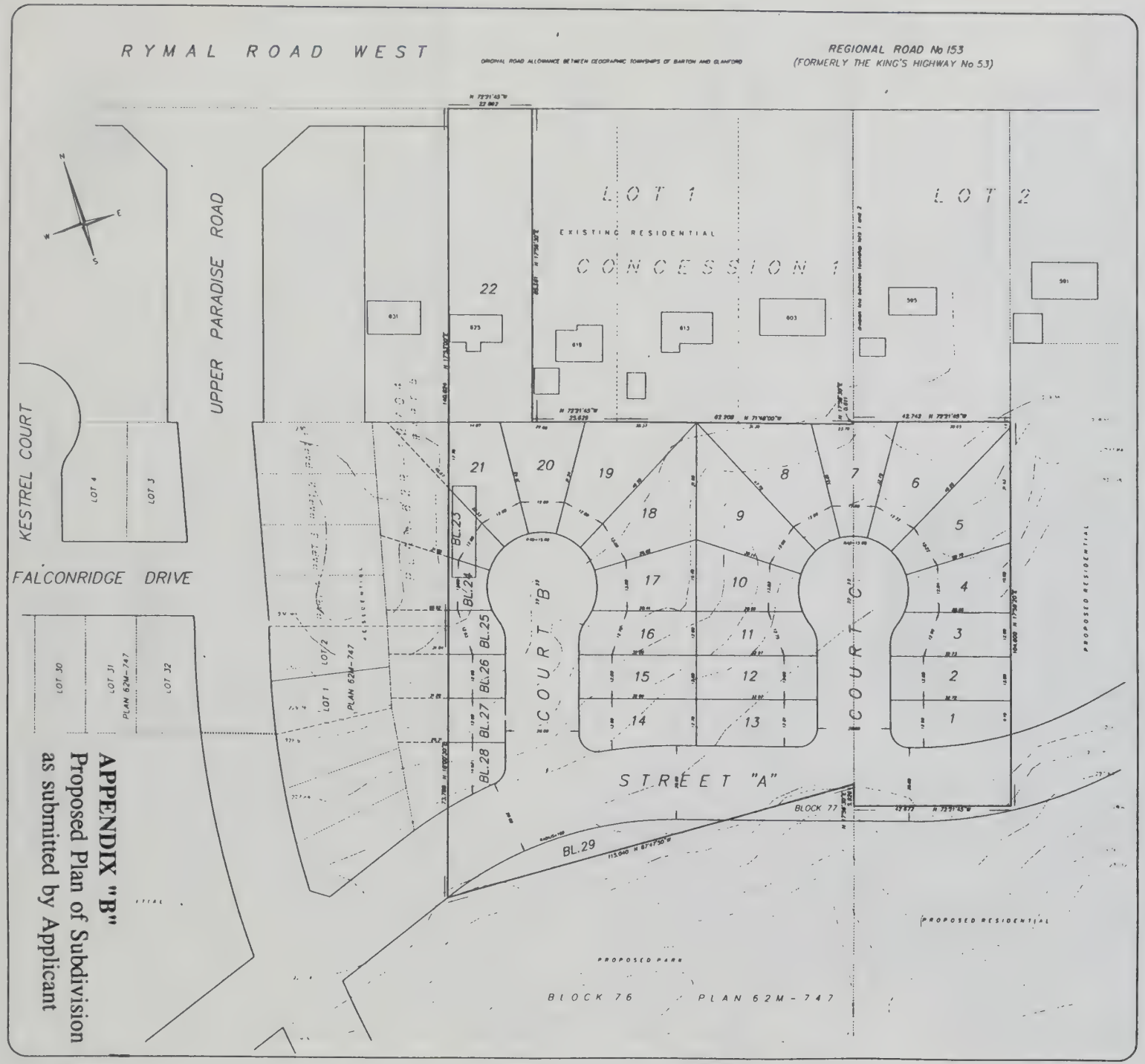


Legend

Site of the Application

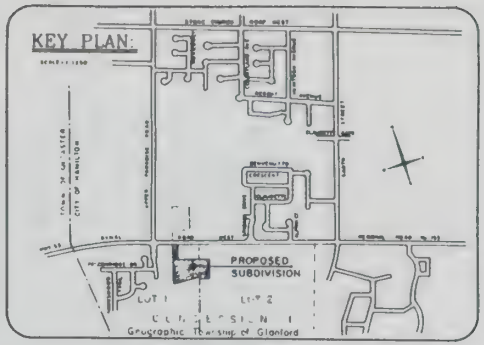
SAC-95-09

APPENDIX "A"



APPENDIX "B"
Proposed Plan of Subdivision as submitted by Applicant

KEY PLAN:



DRAFT PLAN OF :

Parkside Courts

BEING A PROPOSED SUBDIVISION OF
PART OF LOTS 1 AND 2–CONCESSION 1
GEOGRAPHIC TOWNSHIP OF GLANFORD
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
SCALE = 1 : 500
0 5 10 20 30 40 METRES
B J CLARKE O.L.S
1995

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: CHAPTER P13–R.S.O.–1990 SECTION 51(4) THE PLANNING ACT

A SHOWN ON THE PLAN
B SHOWN ON THE PLAN
C SHOWN ON THE PLAN
D SEE LAND USE SCHEDULE
E SHOWN ON PLAN
F SHOWN ON PLAN
G SHOWN ON THE PLAN
H MUNICIPAL PIPED WATER AVAILABLE
I SILTY LOAM
J SHOWN ON PLAN
K ALL MUNICIPAL SERVICES TO BE INSTALLED BY DEVELOPER
L NONE

SURVEYOR'S CERTIFICATE:

I, CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

JANUARY 27, 1995
DATE

B J CLARKE O.L.S

OWNER'S AUTHORIZATION:

WE, SHEDACO HOLDINGS LIMITED BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A.J. CLARKE AND ASSOCIATES LTD TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH FOR THEIR APPROVAL

JANUARY 31, 1995
DATE

ROBERT S SHELLEY VICE PRESIDENT

LAND USE SCHEDULE:

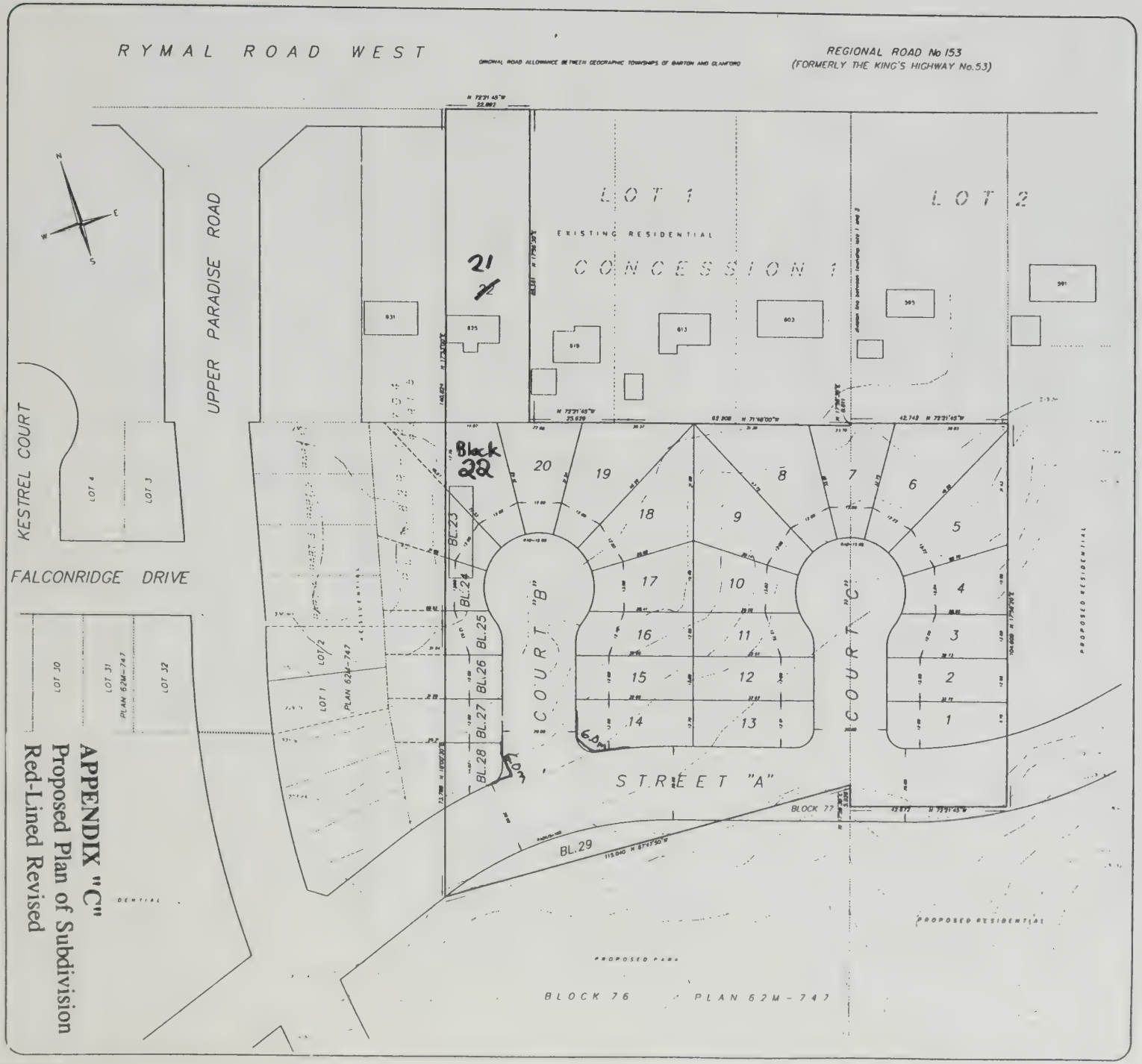
LOTS 1 TO 21 SINGLE FAMILY RESIDENTIAL ('C' ZONING), LOT 22 ('B' ZONING)
BLOCKS 23 TO 28 TO BE DEVELOPED IN CONJUNCTION WITH ADJACENT LANDS INTO SINGLE FAMILY RESIDENTIAL ('C' ZONING)
BLOCK 29 – PARK
TOTAL AREA OF SUBDIVISION = 1.9 ha (4.7 acres±)

SUBDIVISION : DRAFT APPROVAL

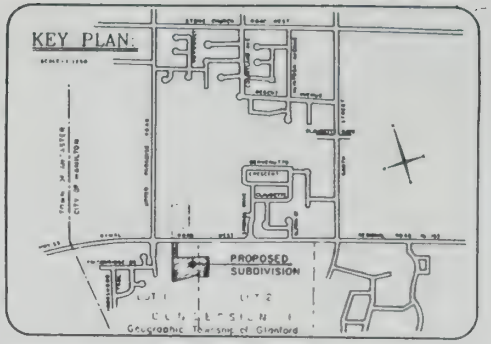
SUBJECT TO THE CONDITIONS, IF ANY SET FORTH IN OUR LETTER DATED _____ 1995
THIS DRAFT PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT
THIS _____ DAY OF _____ 1995

COMMISSIONERR OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
AUTHORIZED BY BY-LAW No R89-171

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS + CONSULTING ENGINEERS



APPENDIX "C"
Proposed Plan of Subdivision
Red-Lined Revised



DRAFT PLAN OF :

Parkside Courts

BEING A PROPOSED SUBDIVISION OF

PART OF LOTS 1 AND 2—CONCESSION 1
GEOGRAPHIC TOWNSHIP OF GLANFORD

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE = 1 : 500

0 5 10 20 30 40 METRES

B J CLARKE O.L.S.
1995

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: CHAPTER P13-R.S.O.-1990 SECTION 51(4) THE PLANNING ACT

A SHOWN ON THE PLAN	G SHOWN ON THE PLAN
B SHOWN ON THE PLAN	H MUNICIPAL PIPED WATER AVAILABLE
C SHOWN ON THE PLAN	I SILTY LOAM
D SEE LAND USE SCHEDULE	J SHOWN ON PLAN
E SHOWN ON PLAN	K ALL MUNICIPAL SERVICES TO BE INSTALLED BY DEVELOPER
F SHOWN ON PLAN	L NONE

SURVEYOR'S CERTIFICATE

I, CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

JANUARY 27, 1995
DATE

B.J.CLARKE O.L.S.

OWNER'S AUTHORIZATION

WE, SHEDACO HOLDINGS LIMITED ,BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A.J. CLARKE AND ASSOCIATES LTD TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL

JANUARY 31, 1995
DATE

ROBERT S SHELLEY VICE PRESIDENT

LAND USE SCHEDULE

LOTS 1 TO 21 SINGLE FAMILY RESIDENTIAL 'C' ZONING), LOT 22 ('B' ZONING)
BLOCKS 23 TO 28 TO BE DEVELOPED IN CONJUNCTION WITH ADJACENT LANDS INTO SINGLE FAMILY RESIDENTIAL 'C' ZONING
BLOCK 29 - PARK
TOTAL AREA OF SUBDIVISION = 1.9 ha (4.7 acres±)

SUBDIVISION : DRAFT APPROVAL

SUBJECT TO THE CONDITIONS, IF ANY SET FORTH IN OUR LETTER DATED _____ 1995
THIS DRAFT PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT
THIS _____ DAY OF _____ 1995

_____
COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW No 89-171

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS • CONSULTING ENGINEERS

6b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 September 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P.
Director of Planning

L. King, P. Eng.
Building Commissioner

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Delegated Authority for Consents

RECOMMENDATION:

(a) That City Council request Regional Council to delegate the authority for consents to the City of Hamilton.

(b) That upon delegation of authority for consent from Regional Council, City Council delegate, by by-law, the authority to the Committee of Adjustment.

(c) That the Building Department be responsible for the processing and administration of applications for consent. The Planning Department will be responsible for providing cartographic support services to the Building Department on a cost-for-service basis where required.

(d) That the City Clerk notify the Regional Clerk and the Regional Commissioner of Planning and Development of Council's decision.

V. J. Abraham

J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Delegation of authority for consents can be absorbed by the Building and Planning Departments without any disruption to services. Frequently, consent applications are undertaken in conjunction with other development control applications (e.g. rezoning, minor variance), which will result in less customer confusion and increased efficiencies.

It is anticipated that initially 1/2 of an additional staff person would be required. Costs should not be affected since fees for consent applications are based on full cost recovery for service (ie. $760/application plus $100 for Deed Certification). However, recent amendments to the Planning Act under Bill 163 introduced the requirement for "Notice of an Application" (ie. circularization) which have resulted in additional costs. It is understood that Regional Planning staff are monitoring the impact of these new requirements on the current application fees.

Based on the current fee structure it is anticipated that annualized revenue would be approximately $75,000/year while the Building Departments administration costs would amount to $50,000/year for a net savings to the City of $25,000/year.

Presently, cartographic support services account for 25% of the fee. The Planning Department will continue to review and assess applications, and provide cartographic support services to the Building Department where required on a cost-for-service basis.

BACKGROUND:

At its meeting of June 6, 1995, Regional Council approved Item 7 of Report 7-95 of the Economic Development and Planning Committee as follows (see attached report):

7. **Request by the Town of Dundas to receive delegated authority for consents (PLA 95-034)**

   That Report PLA 95-034 be circulated to all area municipalities within Hamilton-Wentworth Region, all circulation agencies and the Hamilton-Halton Home Builders' Association for review and comment.

Apparently, the Town of Dundas initiated the request for delegation of consents after the Regional Land Division Committee did not grant the Town's request for deferral of a particular application. In support of its request, the Town submitted that:

- applications are mostly of an urban nature and rarely have Regional implications; and

- developments requiring a consent and variance can be handled more efficiently and at more convenience for the customer if the local Committee of Adjustment handle both.

In assessing the Town's request, Regional Planning staff acknowledged the validity of the Town's points and considered the following additional matters:

- Central Administration;
- Customer Service;
- Consistency of Decisions;
- Regional Interests;
- Precedent; and
- Prematurity,

and concluded that the request could not be supported at this time for, among others, the following reasons:

- delegation of consents would be **regressive** in that it may result in additional requests which would further undermine the existing Regional system;
- **piecemeal** delegation would be undesirable and is expected to lead to a less effective system; greater confusion, greater inconsistency and poorer service;
- **wholesale** delegation would dislocate a central system and would be **premature** until area municipal plans are updated (ie. to reflect the new Provincial Policy statements under new Planning Act; and to reflect new Regional Official Plan).

COMMENT:

1. **Planning Act**

Section 54 of the Planning Act empowers Regional Council to delegate the authority to give consents, by by-law, to a constituent municipality:

54.(1) The council of a county or of a **regional**, metropolitan or district municipality may, by by-law, **delegate** to the council of a **constituent** local or area municipality, as the case may be, the **authority** for the giving of consents under section 53 in respect of land situate in the local or area municipality.

In addition, the Act allows for the further delegation of authority by the local municipality to a subcommittee of council, an appointed officer or to a committee of adjustment:

54.(2) Where authority is delegated to a council under subsection (1), such council may, in turn, by by-law, **delegate** the **authority** or any part of such authority, to a **committee of council**, to an **appointed officer** identified in the by-law by name or position occupied or to a **committee of adjustment**.

2. History

With the formation of Regional Government in 1974, the Land Division Committee was established at the Regional level. Prior to that, applications for consent in the City of Hamilton were submitted to and considered by the **Committee of Adjustment**.

Between 1992 and 1994, the Land Division Committee received an average of **238** applications for consent of which **37%** or an average of **88** were in the City of Hamilton. To date, a total of **66** applications have been received for Hamilton in 1995.

3. Request for Delegated Authority

The following comments on the Regional Planning Department staff report respecting the Town of Dundas' request for delegated authority for consents, have been prepared in consultation with the Building Department.

3.1 Central Administration

The report supports the concept of Central Administration on the basis that "dividing the administration would weaken the comprehensive consent system" and, "specialist staff have the knowledge and experience of this process". Furthermore, the central filing and record keeping depository "is used extensively by regional planners especially in preparation for Ontario Municipal Board hearings where the regional planner is usually lead witness".

Specialist staff with experience in the consent process is also available at the City level in both the Planning and Building Departments. As previously noted, prior to the establishment of the Regional Land Division Committee, applications for consent in the City were processed by the Committee of Adjustment. With respect to a single depositry, the advantage cited is for regional planners in preparing for OMB Hearings. However, generally City matters are/would be represented by city staff and not the regional staff. City Planning staff are also responsible for the administration of City conditions (e.g. notifying the applicant of conditions, calculating and collecting city charges, clearing conditions, etc.).

Furthermore, with the establishment of a City Planning Department, staff now process subdivision applications.

The benefits cited in the report would appear to be valid for rural areas rather than urban.

3.2 Customer Service

The Town of Dundas submitted that "developments requiring a consent and a variance can be handled more efficiently and at more convenience for the customer if the local Committee of Adjustment handle both." In response, it was stated in the report that "this may be beneficial for Dundas, although for the Region as a whole, only about 10% of applications over the last 5-years required a consent and a variance."

In our view, Customer Service would be enhanced in that applications for consent in the City of Hamilton are of an urban/technical nature. Consequently, pre-consultation generally occurs at the local level rather than the Region. Furthermore, those applications which require a consent and variance could be dealt with more efficiently and effectively by the Committee of Adjustment (ie. one meeting vs. 2 meetings). Of the 66 applications received to date in the City of Hamilton for 1995, 13 or approximately 20% required Committee of Adjustment approvals.

"One Stop Shopping" and consistency of decision making would be enhanced. Occasionally, the Land Division Committee will approve an application subject to local approval of a rezoning or minor variance(s), notwithstanding that City staff recommended deferral on the basis of prematurity pending a decision on related planning approvals.

Delegation of consents would provide for co-ordination of planning approvals, improved customer service, and consistency of decisions. In this regard, full consideration of the planning merits would occur at the local level where, invariably, regional concerns are very limited, if any.

3.3 Regional Interests

Given the urban/technical nature of consents in the City of Hamilton, delegation of consents would not have an effect on Regional Interests (e.g. costs of scattered development).

3.4 Precedent

In considering the merits of delegation, the primary concern should be with the effectiveness of service, especially in meeting the clients needs. With respect to precedent, subsequent requests from other municipalities should be evaluated against Regional interests. Clearly, the delegation of consents would be beneficial to the City of Hamilton without jeopardizing Regional interests.

Furthermore, it has been the Department's experience that referring applicants to the Region for consents leads to confusion for the public. It is the publics perception that City planning matters are dealt with at the local level. Invariably, a proponents first contact respecting an application for consent is with City staff

Even with delegation to the City of Hamilton, it is anticipated that the Land Division Committee would continue to provide an effective service to the rural areas for which there are Regional planning concerns. In addition, it could continue to provide service to those urban areas which are not desirous of delegation.

3.5 Prematurity

The report recommends that "any proposed change should be conditional on the updating of area municipal plans to be consistent with the Provincial Policy Statements and the Hamilton-Wentworth Official Plan."

In this regard, the City is basically designated "Urban Area" in the Regional Official Plan. Furthermore, the City has recently undertaken a 5 year review of its Official Plan in accordance with the requirements of the Planning Act. It is anticipated that the review will be completed by the end of 1997.

Based on past experience and current activity, it is not contemplated that any consent applications in the City would be in conflict with either the Provincial Policy Statements or the Regional Official Plan. Regardless, Regional Planning staff would be circularized applications for review and comment, thereby providing them with the opportunity to monitor local decisions for compliance.

Delegated authority for consents would be consistent with the Sewell Commission's philosophy of decision making by the municipality closest to the citizens. Furthermore, it is understood that delegated authority has occurred in other Regional Municipalities (e.g. Waterloo and Ottawa-Carleton). In this regard, it is likely that similar conditions as those applied by other Regional jurisdictions would be applied if delegated authority is granted to the City.

CONCLUSION:

Based on the foregoing, it would be appropriate for City Council to request delegation of consents from the Region. With respect to administration, there are two options as follows:

1) Committee of Adjustment

The Committee of Adjustment could be the delegated authority. Processing of applications would be through the Building Department with cartography provided by the Planning Department where required on a cost-for-service basis.

It is anticipated that initally 1/2 of an additional F.T.E. would be required. However, costs should not be affected since fees for consent applications are currently based on full cost recovery for service.

2) Committee of Council

Council could delegate the authority to the Planning and Development Committee. Since consents are an extension of the subdivision process, administration would be by the Planning Department, as they currently administer the subdivision process for the City.

It is anticipated that initially 1 F.T.E. would be required. Similarly, costs should not be affected since fees are currently based on full cost recovery.

Both of these options are 'doable' and would result in less customer confusion and increase efficiencies. Considering that consents were previously administered by the Committee of Adjustment, the Planning and Building Departments recommend that if the City is delegated the authority for consents, that Council delegate the authority to the Committee of Adjustment.

PM:fd

7.

CITY OF HAMILTON

- RECOMMENDATION -

SEP 1 2 1995

DATE: 1995 September 11
(55-0/95.1)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: - Expropriation of 66 and 68 King Street East
- Victoria Hall and The MacKay Building

RECOMMENDATION:

(a) That pursuant to section 38 of the Ontario Heritage Act, the owner of 66 and 68 King Street East (Victoria Hall and The MacKay Building) be notified that the City requires an inspection of the interior of the property by its Building Commissioner or his designate to assist the City in determining the action the City may pursue to provide for preservation of the property's value as a property of historic and architectural significance; and

(b) That, in accordance with section 36(2) of the Ontario Heritage Act and sec.28(3) of the Planning Act, in order to expropriate the property known municipally as 66 and 68 King Street East (Parts 1 & 2, Ref Plan 62R-7339), to provide for the community improvement and preservation of this streetscape and its historical aspects, the City Clerk be authorized and directed to:

(i) give Notice of the City's application to all owners, registered owners and tenants (as defined in the Expropriations Act) of the said lands; and,

(ii) advertise Notice of the City's application in a newspaper as required by the Expropriations Act; and,

(iii) sign and receive the said application for approval of the expropriation.

P Noé Johnson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

A method of financing the City's acquisition costs of Victoria Hall and The MacKay Building property is the subject of a separate report to the Finance and Administration Committee.

The cost to the City for legal expenses is estimated in the range $3,000. to $15,000. The fee to update the independent appraisal report for the City's expropriation Offer of Compensation is about $3,000. and about $ 1,200. to prepare the expropriation plan.

BACKGROUND:

At its meeting of 1995 August 29, Council adopted the following recommendation of LACAC:

"That, in accordance with the Minister of Canadian Heritage, Mr. Michel Dupuy's decision to recognize Victoria Hall at 68 King Street East as a National Historic Site, and the recommendation of the Local Architectural Conservation Advisory Committee urgently requests City Council to:

a) proceed with the acquisition of the building located at 68 King Street East and the adjacent MacKay Building at 66 King Street East (deeded as a single property); and,

b) follow the recommendation of Lansink, Best & McIver Ltd., Real Estate Appraisers and Consultants, to expropriate the two properties under the provincial Expropriation Act; and,

c) that this matter be referred to the Finance and Administration Committee to determine the method of financing."

DISCUSSION:

Recommendation (a):

At its meeting of 1995 June 27, Council approved LACAC's recommendation to obtain an independent appraisal of the property known as 66-68 King Street East. Accordingly, the firm of Lansink, Best & McIver Ltd., from London, Ontario was subsequently hired. The final confidential report was presented by Ben Lansink to LACAC at a special meeting held on Monday, 1995 August 21.

The purpose of this preliminary appraisal report was to provide an estimate of the Market Value of the property in question to assist in a possible property purchase. Mr. Lansink, the appraiser retained by LACAC inspected the property during the preparation of his appraisal report and also expressly cautioned that "it would be prudent to have a structural engineer confirm the building's structural soundness and whether it is feasible to modernize."

As part of the City's initial investigation of the structural integrity of the building and its adaptability for City occupancy, the Chief Administrative Officer had already asked the Building Commissioner to inspect the property with a view to estimating the cost of rehabilitation. Permission to enter the property and conduct this inspection was refused by the owner on 1995 August 24.

The Ontario Heritage Act expressly authorizes Council to require an inspection and, refusal may result in a fine. Accordingly, recommendation (a) above, expressly states Council's requirement for an inspection of the interior of this property in order that the City may be informed about the building's structural integrity and public safety.

Recommendation (b):

One portion of this property, Victoria Hall (68 King St. E.) is a designated Historical site pursuant to By-law No. 84-249 and the whole property (66 and 68 King St. E.) comprised of both Victoria Hall (66 King St. E.) and The MacKay Building (68 King St. E.) is within the designated "Downtown Hamilton B.I.A. Community Improvement Project Area", designated with Minister of Municipal Affairs' approval pursuant to By-law No. 94-186.

The City is authorized by the Planning Act (sec.28) to expropriate property within a designated Community Improvement Project Area to provide for "community improvement". "Community improvement" is defined in the Planning Act [sec.28 (1)] as,

> .."the planning or replanning, design or redesign, re-subdivision, clearance, development or redevelopment, reconstruction and rehabilitation, or any of them....and, the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary;"

Instead of expropriating the whole property known as 66-68 King St. E., a partial taking was also considered for this recommendation by the Building, Law and Property Departments. It was realized that a partial taking would cost the City at least as much, if not more, as the whole property. Recommendation (b) above will authorize commencement of the expropriation of the whole property known municipally as 66 and 68 King St. E.

Attached to this report, as Schedule "A", are some time estimates for this expropriation process.

Attach:(1)
c.c. Alderman W. M. McCulloch
c.c. J. G. Pavelka, C.A.O.
c.c. D. W. Vyce, Director of Property
c.c. L. C. King, Building Commissioner
c.c. V. J. Abraham, Director of Planning and Development
c.c. A. C. Ross, City Treasurer

PNJ/DAP

SCHEDULE "A"

ESTIMATED TIME LIMITS FOR EXPROPRIATION OF VICTORIA HALL

AND THE MACKAY BUILDING AT 66 AND 68 KING STREET EAST

(a)	Date Council authorizes expropriation Notices		September 26, 1995
(b)	Date by which owner served may request an inquiry hearing regarding the proposed expropriation.		November 8, 1995
		No Inquiry Requested	Inquiry Requested
(c)	Date of Inquiry Hearing	N/A	Dec. 18/95
(d)	Date Council receives Hearing Report	N/A	Jan. 15/96
(e)	Date Council as Approving Authority approves or not approves expropriation	Nov. 21/95	Jan. 21/96
(f)	Date City's Expropriation Plan registered	Dec. 5/95	Mar. 16/96
(g)	Date Council approves Offer of Compensation and Notice that Council requires Possession.	Jan. 21/96	Apr. 30/96
(h)	Date vacant possession received*	May 1/96	Aug. 19/96

*__NOTE__:

The Expropriations Act requires that City give not less than three months' Notice before it takes possession. However, the City may apply to Court for an Order to reduce the three months Notice period to one week's Notice -- where vacant possession of a commercial building such as this one, is required by the City. This Court application may be made after date in line (g) above, namely, after Council authorizes the City's Offer and the City's initial Notice that possession is required. If the Order is granted, the City would be entitled to receive possession about two months earlier than the dates listed on line (h) above.

8.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 September 20th
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

B. BUILDING COMMISSIONER

(i) Hamilton Emergency Loan Program (H.E.L.P) - 85 Gibson Ave

(ii) Commercial Loan Program - 399 Barton Street East

(iii) Commercial Loan Program - 397 Barton Street East

(iv) Hamilton Emergency Loan Program, (H.E.L.P) - 251 Bay Street North

(v) Demolition Permit - 39 Colquhoun Crescent

C. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Barton Street Revitalization - Redevelopment of West Avenue School Courtyard

D. DIRECTOR OF PLANNING

Revision to Rental Housing Protection Act processing procedure

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Item

A.

Wednesday, 1995 August 23
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:
Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor R.M. Morrow
Alderman W. McCulloch
Alderman G. Copps
Alderman F. Eisenberger
Alderman M. Caplan
Alderman B. Charters
Alderman H. Merling

Also present:
Alderman D. Wilson
Alderman M. Kiss
V. Abraham, Director of Local Planning
P. Mallard, Planning & Development Department
B. Janssen, Planning & Development Department

E. Chajka, Transportation and Environmental Services
P. Lampman, Building Department
S. Robichaud, Planning & Development Department
M. Tanner, Planning & Development Department
P. Noé Johnson, City Solicitor
A. Zuidema, Law Office
I. Binnie, Solicitor
S. Glover, Secretary

1. PRIVATE AND CONFIDENTIAL AGENDA

The Committee retired in camera to discuss private and confidential items.

Resuming in open session, the Committee agreed as follows:

BB (a) That City Council direct the Law Department to request the Ontario Municipal Board to adjourn and reschedule the Harbour Hearing which is scheduled to commence 1995 October 2; and

(b) That City Council direct the Law Department to request the Ontario Municipal Board to reschedule the next Harbour Prehearing Conference which is scheduled for 1995 September 11; and,

(c) That City Council authorize the Law Department to offer the Hamilton Harbour Commissioners the settlement package, as set forth in a Private and Confidential Report from the Chief Administrative Officer, the Director of Planning and the City Solicitor dated 1995 August 22, (copies of which are available from the Secretary), on a without prejudice basis, as a complete settlement of all outstanding matters presently before the Ontario Municipal Board.

2. **Zoning Application 95-17, by Madan Gopal Sharma, owner, for a change in zoning from "C" District to "RT-30" District, modified, for property located at the rear of 914 Upper James Street.**

The Committee was in receipt of a report dated 1995 August 8 from the Director of Planning and the Chief Administrative Officer respecting the above-noted matter.

The Committee was also in receipt of a letter of objection to the proposed zoning change from Joan Troupe, C1-201 Caledon Avenue, Hamilton.

The Committee received this submission for information.

Mr. Sharma, the owner/applicant, attended in support of the application.

Paul Mallard, of the Planning Department, addressed the application and advised that additional information had been received from the Ministry of the Environment recommending putting in a holding zone subject to an environmental assessment to the Ministry's satisfaction.

After consideration, the Committee approved the following:

(a) That approval be given to Zoning Application 95-17, Madan Gopal Sharma, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District, modified, to permit development of the subject lands for street townhouses, for the property located at the rear of 914 Upper James Street fronting onto Caledon Avenue, shown on the attached map marked as Appendix A", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the Ministry of Environment and Energy has advised in writing that:

the applicant has completed an Environmental Assessment, and any required works, to the satisfaction of the Ministry of Environment and Energy.

City Council may remove the 'H' symbol, and thereby give effect to the "RT-30" District, modified, provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,

(b) That the lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-30" - 'H' (Street-Townhouse - Holding) District; and,

(c) That the "RT-30" (Street-Townhouse) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:

That notwithstanding Section 10F. (4)(c), a side yard of a width of not less than 1.2 m shall be provided and maintained along the entire southerly lot line; and,

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1344, and the subject lands on Zoning District Map W-9 be notated S-1344; and,

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9 for presentation to City Council; and,

(f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. Request for an Official Plan Amendment and a change in zoning - 121 Augusta Street

The Committee was in receipt of a report dated 1995 August 8 from the Director of Planning and Development Department and the Chief Administrative Officer respecting the above-noted matter.

The Chairperson read the requirements for submissions and appeal of Council's decision in accordance with Bill 163 (The Ontario Planning and Development Act) with regard to proposed Official Plan Amendments.

Paul Mallard, of the Planning Department, addressed the application and advised that of 591 notices, 18 had been received in favour and two opposed to the application.

The Committee was also in receipt of a letter dated 1995 August 16 from Turkstra, Mazza, Shinehoft, Mihailovich Associates, Solicitors on behalf of Adrienne Young owner of 104 Augusta Street advising of their client's opposition to changing the Official Plan on this spot zoning basis.

After consideration, the Committee approved the following:

(a) That approval be given to Official Plan Amendment No. 131 to establish a Special Policy Area to permit general office uses within the existing building, for property municipally known as No. 121 Augusta Street, as shown on the attached map marked as Appendix "B", and that the City Solicitor be directed to prepare the By-law of Adoption, in accordance with Section 17(16) of the Planning Act for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to Zoning Application ZAC-95-20, Community Adolescent Network of Hamilton, owner, requesting a modification to the established "L-mr-2" (Planned Development - Multiple Residential) District regulations, to permit general offices only within the existing building, for property located at No. 121 Augusta Street, as shown on the attached map marked as Appendix "B" on the following basis:

(i) That the "L-mr-2" (Planned Development - Multiple Residential) District regulations, as contained in Section 17B of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

1. That notwithstanding Section 17B(4) of Zoning By-law No. 6593, the following shall be permitted:

(aa) general offices, only within the existing building;

(bb) a ground sign in the front yard of an area of not more than 1.2 square metres and a height of not more than 1.2 m and either non-illuminated or illuminated by non-flashing, indirect, or interior means only;

2. That notwithstanding Section 18A(7), three of the required parking spaces shall have a length of not less than 5.2 m;

3. That Section 18A(9) shall not apply to the required loading space;

4. That Section 18A(11)(b) shall not apply;

5. That notwithstanding Section 18A(12)(c), a visual barrier of not less than 1.0 m in height shall be provided and maintained along the easterly lot line adjoining the parking area.

6. That Section 18A(14) shall not apply;

(ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1345, and that the subject lands on Zoning District Map E-5 be notated S-1345; and,

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council; and,

(iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 131 by the Regional Municipality of Hamilton-Wentworth; and,

(c) That the amending Zoning By-law not be forwarded for passage by City Council until such time as:

(i) The Ministry of Environment and Energy has advised in writing that the Phase I and II Environmental Audit and the Noise and Vibration Study comply with the Ministry's requirements; and,

(ii) The applicant has applied for and received approval of a site plan, registered on title, for the parking area.

Alderman Geraldine Copps was recorded as opposed to the recommendation.

4. **City Initiative 95-C, 11 Arthur Avenue South**

The Committee was in receipt of a report dated 1995 August 10 from the Director of Planning and Development Department and the Chief Administrative Officer respecting the above-noted matter.

The Committee was also in receipt of a memorandum from the Secretary of the Finance and Administration Committee stating that this matter had been tabled at the Finance and Administration Committee meeting of August 22nd and requesting that the matter be tabled by the Planning and Development Committee.

After consideration the Committee tabled this matter.

5. **Zoning Application 94-30, 530149 Ontario Limited (Clara IP, In Trust), owner, requesting a modification to the established "H" District regulations, for property located at 366 to 368 King Street West**

The Committee was in receipt of a letter dated 1995 August 10 from John S. Ariens, Director of Development, Planning Initiatives Ltd. requesting that the application be deferred in order that the Site Plan and Building Configuration could be revised in order to eliminate the parking and driveway components.

After consideration, the Committee agreed to table this matter.

6. **DIRECTOR OF PLANNING AND DEVELOPMENT**

(a) **Proposed Rezoning Application 94-19, Starward Homes, prospective owner - lands located between Scenic Drive and Chedmac Drive, west of Rice Avenue, in the Mountview Neighbourhood.**

The Committee was in receipt of a report dated 1995 August 9 from the Director of Planning and Development Department and the Chief Administrative Officer respecting the above-noted matter.

Mr. Adi Irani attended on behalf of Chedoke Health Corporation and requested that this item be deferred in order that the mediation process may be completed and a resolution reached in the matter.

After consideration, the Committee agreed to table this matter.

Alderman Henry Merling and Alderman Frank D'Amico were recorded as opposed to this recommendation.

(b) **Proposed Plan of Subdivision "Nash Acres", SAC-91-01 (Regional File 25T-91002(r)) by the owner Owen Jackson, et al, for lands located at the northerly end of Derek Court, south of King Street East**

The Committee was in receipt of a report dated 1995 August 10 from the Director of Planning and Development Department and the Chief Administrative Officer respecting the above-noted matter.

After consideration, the Committee approved the following:

(a) That application SAC-91-01 (Regional File No. 25T-91002(R)), Owen Jackson et. al., owner, to establish a draft plan of subdivision "Nash Acres", for lands located at the northerly end of Derek Court, south of King Street East, as shown on the attached map marked as Appendix "C", be denied for the following reasons:

(i) The proposal conflicts with the general intent of the City of Hamilton Official Plan; and,

(ii) The proposal conflicts with the general intent of the Hamilton-Wentworth Official Plan; and,

(iii) The proposal conflicts with the general intent of the approved Gershome Neighbourhood Plan; and,

(iv) The proposal does not comply with the City of Hamilton Zoning By-law No. 6593; and,

(v) The proposal is considered to be premature pending the applicant demonstrating the suitability of the subject lands for development; and,

(vi) The subject lands are located in the Red Hill Creek - King's Forest Environmentally Sensitive Area. In this regard, the proposal would negatively affect the ESA; and,

(b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

(c) Proposed Draft Plan of Condominium by Herman Turkstra "Hereford House" - 13-15 Bold Street

The Committee was in receipt of a report dated 1995 August 16 from the Director of Planning and Development Department and the Chief Administrative Officer respecting the above-noted matter.

After consideration, the Committee agreed as follows:

(a) That approval be given to application CDM-94-01 (Regional File 25CDM-94004), Herman Turkstra, owner, to establish a draft plan of condominium "Hereford House", located at 13-15 Bold Street, as shown on the attached map marked as Appendix "D", subject to the following conditions:

(i) That this approval apply to the plan prepared by A.J. Clark and Associates and certified by B. J. Clarke, O.L.S., dated June 13, 1994, as revised in red on Appendix "E", showing a total of 11 commercial units; and,

(ii) That the Condominium Corporation enter into a Boulevard Parking Agreement in respect of its paving Bold Street to provide parking spaces; and,

(b) That the approved Durand Neighbourhood Plan be amended to change the designation of the subject lands from "Medium Density Apartments" to "Commercial"; and,

(c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

Alderman Geraldine Copps and Alderman Don Drury were recorded as opposed to this recommendation.

(d) Proposed Draft Plan of Condominium by Sachetta Investments Limited - 41-43 Albert Street, Blakeley Neighbourhood (CDM-CONV-95-004)

The Committee was in receipt of a report dated 1995 August 14 from the Director of Planning and Development Department and the Chief Administrative Officer respecting the above-noted matter.

After consideration, the Committee approved the following:

(a) That approval be given to application CDM-CONV-95-004, Sachetta Investments Limited, owner, to establish a draft plan of condominium at 41-43 Albert Street, as shown on the attached map marked as APPENDIX "F", subject to the following conditions:

(i) This approval applies to the plan prepared by B.J. Clarke O.L.S. dated March 23, 1995, showing a total of 12 residential units; and

(ii) The owner shall submit revised plans showing the floor plans, including the units and common areas, with dimensions for the subject property; and,

(b) The owner submit an application to the City for the City to pass a by-law to close and sell at fair market value that portion of the road allowance occupied by the applicant's building, receiving City approval to their Offer to Purchase and completing the purchase; and,

(c) The owner receive the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-004); and,

(d) That the property be redesignated on the approved Blakeley Neighbourhood Plan from "Single and Double Residential" to "Low Density Apartments"; and,

(e) The owner satisfy all conditions, financial and otherwise, of the City of Hamilton.

7. DELEGATION

Hamilton-Halton Home Builders' Association - Rain Water Leader Policy in the City of Hamilton

The Committee was in receipt of a letter and report dated 1995 August 17 from the Hamilton & District Home Builders Association respecting the above-noted matter.

Mr. Adi Irani and Mr. Sergio Mancia attended on behalf of the Hamilton-Halton Home Builders' Association and addressed the request to consider amending Section 6 of By-law 80-245 to require the roofs of all new construction in the City of Hamilton to discharge storm run-off into the ground.

After consideration, the Committee referred this matter to staff with the following caveat from Alderman Bob Charters:

"That the appropriate remedies and assurances be in place to rectify problems with regard to drainage as the result of disconnection being allowed and should problems arise in the future."

8. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

(a) Heritage Funding Programmes

The Committee was in receipt of a report dated 1995 August 11 from the Secretary, Local Architectural Conservation Advisory Committee respecting the above-noted matter.

After consideration, the Committee approved the following:

That a letter be sent to Premier Mike Harris and The Honourable Marilyn Mushinski, Minister of Citizenship, Culture and Recreation, strongly supporting the continuation under MCCR of the Heritage Funding programs which had formerly been transferred to jobsOntario, with copies being sent to area MPP's.

PRIVATE AND CONFIDENTIAL AGENDA (continued)

At this point the Committee retired in camera to discuss a private and confidential matter.

Resuming in open session the Committee agreed as follows:

DD. That, in accordance with the Minister of Canadian Heritage, Mr. Michel Dupuy's decision to recognize Victoria Hall at 68 King Street East as a National Historic Site, and the recommendation of the Local Architectural Conservation Advisory Committee, City Council:

(a) proceed with the acquisition of the building located at 68 King Street East and the adjacent MacKay Building at 66 King Street East (deeded as a single property); and,

(b) follow the recommendation of Lansink, Best & McIver Ltd., Real Estate Appraisers and Consultants, to expropriate the two properties under the provincial Expropriation Act; and,

(c) that this matter be referred to the Finance and Administration Committee to determine the method of financing.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE (cont'd)

(b) Victoria Hall, 68 King Street East - Request for De-designation

The Committee was in receipt of a report dated 1995 August 11 from the Secretary, Local Architectural Conservation Advisory Committee respecting the above-noted matter.

After consideration, the Committee approved the following:

That, in view of the architectural/historical significance of Victoria Hall and its recent recognition as a National Historic Site by the Historic Sites and Monuments Board of Canada, and the critical importance of maintaining the continuous frontage of the Gore Park streetscape, the owner's request for de-designation (under the provisions of the Ontario Heritage Act) be denied.

The Committee was also in receipt of a copy of a letter to His Worship Robert M. Morrow from the Centre Canadien d'Architecture dated 1995 August 16 opposing the de-designation of Victoria Hall.

The Committee was also in receipt of a copy of a letter to His Worship Robert M. Morrow from the Centre Canadien d'Architecture dated 1995 August 16 opposing the de-designation of Victoria Hall.

(c) **Dundurn Castle and Cockpit: Phase 2 Restoration - Heritage Permit**

The Committee was in receipt of a report dated 1995 August 11 from the Secretary, Local Architectural Conservation Advisory Committee respecting the above-noted matter.

After consideration, the Committee approved the following:

That approval be given for a Heritage Permit for the Phase 2 Restoration of Dundurn Castle and Cockpit to include the following alterations:

(i) General: stucco replacement on specified wall surfaces (including eave bracket sections and chimneys of main building); and,

(ii) Main Building: restoration of wood balustrade at roofline, with new wood panels and balusters to match original (existing railing to be retained); and,

(iii) Main Building - kitchen wing: alterations to window/door openings: restoration of two original window bays, one on west and one on east elevation; blocking up of one doorway (not original) on east elevation; and,

(iv) Dovecote: reconstruction of original cupola and mast; removal of brick wall beneath arch on south elevation to reconstruct original doorway (wood frame with wood and forged steel doors); reroofing in the original material (lead-coated copper shingles); and,

(v) Cockpit: regrading to recreate original site condition: ground to be sloped away from portico to expose full foundation wall at rear; removal of existing stucco from foundation walls and repointing of all exposed stone masonry; new exit doorway to be installed in window opening on east elevation of foundation wall.

(d) **Provincial Funding Commitment to the Lister Block Project**

The Committee was in receipt of a report dated 1995 August 11 from the Secretary, Local Architectural Conservation Advisory Committee respecting the above-noted matter.

After consideration, the Committee approved the following:

That a letter be sent to Premier Mike Harris and The Honourable Al Leach, the Minister of Municipal Affairs and Housing, requesting that the funding commitment to the Lister Block Project, in accordance with the agreement made with the Municipal Non-Profit (Hamilton) Housing Corporation, be reinstated because of the building's architectural and historical value, and the critical importance of its preservation to downtown revitalization.

9. LISTER BLOCK SUB-COMMITTEE

Status Update of the Lister Block

The Committee was in receipt of a report dated 1995 August 14 from the Lister Block Sub-Committee respecting the above-noted matter and approved the following:

(a) That the City of Hamilton continue its efforts to re-use the Lister Block by targeting the private sector to be the developer of the building; and,

(b) That the City examine opportunities for revitalization programs for the Lister Block Area (bounded by James Street North, King William Street, John Street North, and Wilson Street) to enhance the commercial and residential development in the Area.

10. CASH-IN-LIEU OF PARKING COMMITTEE

Cash-in-Lieu (95.2.4.2.1.A and 95.4.2.1.A) - 284-286 James Street North

The Committee was in receipt of a report dated 1995 July 17 from the Chairperson, Cash-in-Lieu Parking Committee respecting the above-noted matter which was tabled at the previous meeting.

Peter Lampman, of the Building Department, addressed the report and the applicant attended to request a reduction in the amount and an extension of the payment period over 10 years.

Peter Lampman explained that the amount was based on the market value and the existing policy and, although he could not support a reduction in the amount, he could support the request for a 10 year extension.

After consideration, the Committee approved the following:

(a) That in accordance with the Cash-In-Lieu of Parking policy, that Pasquale & Angelina Consiglio be required to pay to the City of Hamilton, the sum of $39,000. which is 50% of the cost of thirteen (13) parking spaces at a total cost of $78,000.; and,

(b) That a Cash-in-Lieu Agreement be approved subject to the following conditions:

(i) Payment duration shall be for ten years, with ten annual instalments including interest; and,

(ii) Interest shall be charged on the outstanding balance at the prime rate of the Canadian Imperial Bank of Commerce plus 2% adjusted quarterly in accordance with the policy for charging interest on outstanding accounts; and,

(c) That the Law Department be authorized and directed to prepare the Cash-In-Lieu Agreement.

11. BUILDING COMMISSIONER

Barton Street Revitalization

The Committee was in receipt of a report dated 1995 August 11 from the Building Commissioner respecting the above-noted matter and approved the following:

(a) That the budget as outlined in Appendix G be approved for a Street festival to be held 1995 September 17; and,

(b) That the City Treasurer be authorized and directed to forward $8,350. ($10,459. - 20% holdback) for the Street Festival to the Barton Street B.I.A. The outstanding balance of $2109. to be forwarded upon submission of a statement of account.

12. CONSENT AGENDA

(a) Adoption of Minutes

The Committee was in receipt of minutes of meetings held 1995 July 5 and July 10 which were approved as circulated.

(b) Commissioner of Public Works and Traffic

(i) Closure of Public Works Department Parks Division - Community Renewal Capital Projects

The Committee was in receipt of a report dated 1995 August 11 from the Commissioner of Public Works and Traffic respecting the above-noted matter and approved the following:

That the City Treasurer be directed to close the following Capital Project account with any excess funding to be transferred to its original source of funding:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source of Funding
429202004	North End Anti-Recession Programme	$ 400,000.	$ 399,989.85	$ 10.15	R.P.L. Province of Ontario

(ii) Gore Park Walkway Reconstruction - Electrical Component

The Committee was in receipt of a report dated 1995 August 16 from the Commissioner of Public Works and Traffic respecting the above-noted matter and approved the following:

That $61,500. be charged against Account Number CF-5000-428603000 Downtown Action Plan - Phase III for the electrical component of the Gore Park Walkway Reconstruction Project.

Alderman Don Drury was recorded as opposed to this recommendation.

PRIVATE AND CONFIDENTIAL AGENDA

CC. **Ontario Municipal Board Hearing - 280 Weir Street North - Rental Housing Protection Act Application CU-93-001 - Zoning Application 93-32**

The Committee retired in camera to discuss a private and confidential matter.

Resuming in open session, the Committee approved the following:

That City Council reject the offer to settle the Ontario Municipal Board appeals concerning Rental Housing Protection Act Application CU-93-001 and Zoning Application 93-32.

CONSENT AGENDA **(continued)**

(c) City Solicitor

By-law to Amend By-law No. 93-167 Respecting Building Permit Fees

The Committee was in receipt of a report dated 1995 July 25 from the City Solicitor respecting the above-noted matter and approved the following:

That the By-law to Amend No.93-167 Respecting Building Permit Fees be enacted by City Council.

(d) Building Commissioner

(i) **Barton General Community Improvement Plan, Revised**

The Committee was in receipt of a report dated 1995 August 14 from the Building Commissioner respecting the above-noted matter and approved the following:

(a) That the Barton General Community Improvement Plan, Revised, attached hereto as Appendix H, be adopted in order to implement the Commercial Loan Program and the Barton Street Redevelopment Program; and,

(b) That the Revised Community Improvement Plan be submitted to the Ministry of Municipal Affairs and Housing for approval; and,

(c) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law.

Demolition Permit Applications

(ii) **490 Burlington Street East**

The Committee was in receipt of a report dated 1995 July 6 respecting the above-noted matter and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 490 Burlington Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(iii) 486 Burlington Street East

The Committee was in receipt of a report dated 1995 July 6 respecting the above-noted matter and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 486 Burlington Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(iv) 188 Queen Street North

The Committee was in receipt of a report dated 1995 July 28 respecting the above-noted matter and approved the following:

That the Building Commissioner be authorized to deny the demolition permit until a building permit has been issued to replace the subject building at 188 Queen Street North.

(v) 186 Queen Street North

The Committee was in receipt of a report dated 1995 July 28 respecting the above-noted matter and approved the following:

That the Building Commissioner be authorized to deny the demolition permit until a building permit has been issued to replace the subject building at 186 Queen Street North.

(vi) 60 Cannon Street West

The Committee was in receipt of a report dated 1995 July 28 respecting the above-noted matter and approved the following:

That the Building Commissioner be authorized to deny the demolition permit until a building permit has been issued to replace the subject building at 60 Cannon Street West.

(e) <u>Chief Administrative Officer and Director of Planning and Development</u>

(i) Neighbourhood Plan Amendments - 1994/95 Housekeeping Review

The Committee was in receipt of a report dated 1995 August 14 from the Director, Planning and Development Department and the Chief Administrative Officer respecting the above-noted matter and approved the following:

That approval be given to the following Neighbourhood Plan amendments:

(a) That the approved Gershome Neighbourhood Plan be amended by redesignating the lands shown on Appendix "I" as Block 1 from "Commercial" to "Attached Housing"; and,

(b) That the approved Fessenden Neighbourhood Plan be amended by redesignating the lands shown on Appendix "J"

as Block 1 from "Attached Housing" to "Open Space" and labelled as a "Public Walkway"; and,

(c) That the approved Crerar Neighbourhood Plan be amended by redesignating the lands shown on Appendix "K" as Block 1 from "Single & Double" to "Civic & Institutional"; and,

(d) That the approved Butler Neighbourhood Plan be amended by redesignating the lands shown on Appendix "L" as Block 1 from "Commercial" to "Medium Density Apartments"; and,

(e) That the approved Kentley Neighbourhood Plan be amended by redesignating the lands shown on Appendix "M" as Block 1 from "Open Space" to "Commercial"; and,

(f) That the approved Chappel East Neighbourhood Plan be amended by redesignating the lands shown on Appendix "N" as Block 1 from "Low Density Apartments" to "Attached Housing"; and,

(g) That the approved Chappel West Neighbourhood Plan be amended by redesignating the lands shown on Appendix "O" as Block 1 from "Low Density Apartments" to "Attached Housing"; and,

(h) That the approved Corktown Neighbourhood Plan be amended by redesignating the lands shown on Appendix "P" as Block 1 from "Commercial" to "Utilities" and Block 2 from "Industrial" to "Utilities"; and,

(i) That the approved Barnstown Neighbourhood Plan be amended by redesignating the lands shown on Appendix "Q" as Block 1 from "Low Density Apartments" to "Attached Housing"; and,

(j) That the approved Jerome Neighbourhood Plan be amended by redesignating the lands shown on Appendix "R" as Block 1 from "Low Density Apartments" to "Attached Housing" and Block 2 from "Medium Density Apartments" to "Attached Housing"; and,

(k) That the approved Strathcona Neighbourhood Plan be amended by redesignating the lands shown on Appendix "S" as Block 1 from "Medium Density Apartments" to "Commercial" and Blocks 2 & 3 from "Park & Recreational" to "Single & Double"; and,

(l) That the approved Gibson Neighbourhood Plan be amended be redesignating the lands shown on Appendix "T" as Block 1 from "Utilities" to "Park & Recreational" and Block 2 from "Park & Recreational" to "Single & Double"; and,

(m) That the approved Kirkendall South Neighbourhood Plan be amended be redesignating the lands shown on Appendix "U" as Block 1 from "Open Space" to "Park & Recreational"; and,

(n) That the approved Riverdale East Neighbourhood Plan be amended by redesignating the lands shown on Appendix "V" as Block 1 from "Park & Recreational" to "Open Space"; and,

(o) That the approved Riverdale West Neighbourhood Plan be amended by redesignating the lands shown on Appendix "W" as Block 1 from "Park & Recreational" to "Open Space"; and,

(p) That the approved Red Hill Neighbourhood Plan be amended by redesignating the lands shown on Appendix "X" as Block 1 from "Park & Recreational" to "Open Space"; and,

(q) That the Approved Vincent Neighbourhood Plan be amended by redesignating the lands shown on Appendix "Y" as Blocks 1 & 2 from "Open Space" to "Park & Recreational".

(ii) Application to remove Part-Lot Control "Sandrina Gardens - Phase 2" Subdivision, by the Owner DiCenzo Construction Company.

The Committee was in receipt of a report dated 1995 August 8 from the Director, Planning and Development Department and the Chief Administrative Officer respecting the above-noted matter and approved the following:

(a) That the request of Mr. Anthony DiCenzo, Solicitor for DiCenzo Construction Company, owner, to remove part-lot control be approved to establish maintenance easements for Lots 59, 62, 63, 64, 65, 68, 69, 70 and 71 and to establish private roadway access for Lots 1 to 24 inclusive located in "Sandrina Gardens - Phase 2", as shown on Appendix "Z"; and,

(b) That the by-law to remove part lot control from Lots 1 to 24 inclusive and Lots 60, 61, 62, 65, 66, 67, 68, 71 and 72, Registered Plan 62M-780, "Sandrina Gardens - Phase 2" plan of subdivision, be enacted by Council; and,

(c) That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.

(iii) Authorization for Staff Attendance at Ontario Municipal Board Hearings

The Committee was in receipt of a report dated 1995 August 15 from the Director, Planning and Development Department and the Chief Administrative Officer respecting the above-noted matter and approved the following:

That the appropriate staff (e.g. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearings regarding appeals to the following Committee of Adjustment decisions:

(i) to deny applications A-95-119 and A-95-122 and to grant application A-95-123, respecting variances from the "Monster Homes" By-laws, for properties located at 139 Whitney Avenue, 73 Holmes Avenue and 114 Winston Avenue, respectively; and,

(ii) to deny applications A-95-133 and A-95-145, respecting properties located at 461 Concession Street and 41 Fonthill Road, respectively.

(f) Local Architectural Conservation Advisory Committee

St. Paul's Presbyterian Church - Technical Consulting Service

The Committee was in receipt of a report dated 1995 August 11 from the Secretary Local Architectural Conservation Advisory Committee respecting the above-noted matter and approved the following:

That the City apply on behalf of St. Paul's Presbyterian Church for the Technical Consulting Service offered by the Ontario Historical Society in co-operation with the Ministry of Citizenship, Culture, and Recreation for the purpose of determining appropriate methods of improving the lighting levels within the church sanctuary.

(g) Secretary, Planning and Development Committee

Information Items

The Committee was in receipt of a report dated 1995 August 17 from the Secretary, Planning and Development Committee respecting the above-noted matter and approved the following:

That the following information items which had been previously forwarded to members of the Committee under separate cover be received for information purposes.

(a) Information report - Chief Administrative Officer and Director of Planning - Hamilton Harbour (Land Use) Sub-Committee Update - report dated 1995 July 4.

(b) Memorandum - M. Hazel, Department of Public Works and Traffic - MacNab Street South and Charles Street Parking Regulations - memo dated 1995 July 27.

13. ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved.

Alderman D. Drury
Chairperson
Planning and Development Committee

Stella Glover
Secretary

/jt

Bi)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 August 21

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
85 Gibson Avenue, (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and eighty-two dollars ($1,982.) be approved for Bibi Ahad, 85 Gibson Avenue. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Bibi Ahad, 85 Gibson Avenue in the amount of $1,982. The roof has not been repaired, and the Department recommends approval in the amount of $1,982. at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

Bill

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 August 21

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Loan Program
399 Barton Street East (95.2.4.2.1.A)(95.2.14)

RECOMMENDATION:

1. That a Commercial Loan in the amount of twelve thousand, nine hundred and ninety ($12,990.) to Angela Agostino for improvements to 399 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/8 per cent, amortized over 10 years; and,

2. That a grant from the Barton Street Revitalization Fund in the amount of six thousand, four hundred and ninety-five ($6,495.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program; and,

3. That the grants to business land owners referred to above be subject to the following conditions being fulfilled:

    (i) Preparation and enactment of a By-law in a form satisfactory to the City Solicitor to amend By-law 88-12, being the By-law to adopt "The Barton General Community Improvement Plan" in order that the Plan may include the revised Barton Street Revitalization Program adopted by Council on 1995 March 28, (Item 2, 10th Report, Planning and Development Committee), including the following points:

        (a) Grants to business land owners who have Commercial Loans from the city for a sum of up to 1/2 of the outstanding loan principal of a loan made for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan; and,

.../2

(b) Grants to business land owners who intend to rehabilitate their lands and buildings in conformity with the Community Improvement Plan to cover the costs of building permit fees, Committee of Adjustment applications, Property Compliance Reports due to the City; and,

(c) Grants to business land owners to cover all or a portion of the cost of decorative murals to be erected on their lands to rehabilitate these lands and buildings in conformity with the Community Improvement Plan.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 399 Barton Street East has applied for assistance under the City of Hamilton's Commercial Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 74-74 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund, subject to the conditions outlined in the recommendation.

The Building Department, therefore, recommends the approval of both a grant and a Commercial Loan to Angela Agostino for improvements to 399 Barton Street East. The loan in the amount of six thousand, four hundred and ninety-five dollars will be amortized over a 10 year period at 4 1/8 per cent interest. The monthly payments will be $133.08 and will be secured by a promissory note and a lien registered on title.

LCK/MM/JAG/dc

c.c. R. Camani, Treasury Department
D. Clarke, Building Department

B iii)

CITY OF HAMILTON

SEP 1 1 1995

- RECOMMENDATION -

DATE: 1995 September 7

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Commercial Loan Program
397 Barton Street East (95.2.4.2.1.A)(95.2.14)

RECOMMENDATION:

1. That a Commercial Loan in the amount of eleven thousand, four hundred and thirty-two dollars ($11,432.) to Sang-Kuen Jun and Wae-Sook Jun for improvements to 397 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set a 4 1/8 per cent, amortized over 10 years; and,

2. That a grant from the Barton Street Revitalization Fund in the amount of five thousand, seven hundred and sixteen dollars ($5,716.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program; and,

3. That the grants to business land owners referred to above be subject to the following conditions being fulfilled:

   (i) Preparation and enactment of a By-law in a form satisfactory to the City Solicitor to amend By-law 88-12, being the By-law to adopt "The Barton General Community Improvement Plan" in order that the Plan may include the revised Barton Street Revitalization Program adopted by Council on 1995 March 28, (Item 2, 10th Report, Planning and Development Committee), including the following points:

      (a) Grants to business land owners who have Commercial Loans from the City for a sum of up to one half of the outstanding loan principal of a loan made for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan; and,

.../2

(b) Grants to business land owners who intend to rehabilitate their lands and buildings in conformity with the Community Improvement Plan to cover the costs of building permit fees, Committee of Adjustment applications, Property Compliance Reports due to the City; and,

(c) Grants to business land owners to cover all or a portion of the cost of decorative murals to be erected on their lands to rehabilitate these lands and buildings in conformity with the Community Improvement Plan.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 397 Barton Street East has applied for assistance under the City of Hamilton's Commercial Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 74-74 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund, subject to the conditions outlined in the recommendation.

The Building Department, therefore, recommends the approval of both a grant and a Commercial Loan to Sang-Kuen Jun and Wae-Sook Jun for improvements to 397 Barton Street. The loan in the amount of five thousand, seven hundred and sixteen dollars ($5,716.) will be amortized over a 10 year period at 4 1/8 per cent interest. The monthly payments will be $116.43 and will be secured by a promissory note and a lien registered on title.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Clarke, Building Department

B iv)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 September 7 SEP 1 1 1995

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
251 Bay Street North, (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of eight hundred and nineteen dollars ($819.) be approved for Mr. and Mrs. Franco, 251 Bay Street North, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Mr. and Mrs. Franco, 251 Bay Street North, in the amount of $819. The bath surround has been repaired, and the Department recommends approval in the amount of $819. at 8% interest and amortized over five (5) years.

LCK/MM/dc
c.c. R. Camani, Treasury

BV

CITY OF HAMILTON

- RECOMMENDATION -

SEP 1 1 1995

DATE: 1995 August 31

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
39 COLQUHOUN CRESCENT - Tag Number 95034
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 39 Colquhoun Crescent in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: N.E.C. (Map W-25)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: 1 storey frame and brick veneer house, no basement.

Owner wishes to demolish existing house and rebuild a new single family dwelling. No LACAC interest. Lot size 63' x 199'.

The owner of the property as per the demolition permit is:

Tom and Donna Vasilak
39 Colquhoun Crescent
Hamilton, Ontario L9C 4W7

ND/zr

C.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 September 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Commissioner of Public Works and Traffic Department

SUBJECT: Barton Street Revitalization Program - Redevelopment of the West Avenue School Court Yard.

RECOMMENDATION:

1. That the concept plan for the redevelopment of the West Avenue School Court Yard (attached as Appendix 'A') be approved for implementation under the Barton Street Revitalization Program at an estimated cost of $75,000.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient monies to implement the attached concept plan are contained within the Barton Street Revitalization Program Account Number CH 24107-0001. The Program is funded 100% by The Province of Ontario.

The West Avenue School building houses the Social Planning and Research Council (SPRC). The SPRC has entered into a five year lease agreement with the City of Hamilton (1993-1998) with a five year renewal option from 1998-2002.

The maintenance implications of the project are reflected in the Maintenance Schedule attached as Appendix "B" and will be the responsibility of the SPRC.

BACKGROUND:

At its meeting held 1995 March 28 City Council approved the implementation of the Barton Street Revitalization Program within the boundaries of the Barton General B.I.A. The Program consists of four components: i) streetscaping; ii) loans and grants for improvements to buildings; iii) a mural project; and, iv) special events.

Staff from the Public Works and Traffic Department held a series of meetings with members of The Barton General B.I.A. and various stakeholders to identify priorities for implementation under the streetscaping component of the revitalization program. The results of the meetings identified the number one objective was to create green areas along Barton Street to soften the existing corridor. Other components identified include, but are not limited to: safety; lighting; sidewalk widenings etc. A separate report will be forthcoming to implement additional initiatives upon the Provincial Government forwarding additional monies under the Program.

The West Avenue School court yard located at the south-west corner of Barton Street East and West Avenue provides a large publicly owned area that can be redeveloped to meet the needs of the community as well as the SPRC that leases the building from the City of Hamilton. A public meeting was held on 1995 August 02 at the West Avenue School to present the concept plan which was well received. The Barton Street Revitalization Committee also approved the concept plan.

Since the West Avenue School building is designated under the Heritage Act, staff presented the concept plan to the Local Architectural Conservation Advisory Committee at its meeting held 1995 September 11. Serious concerns were not raised at this meeting but the concept plan has been forwarded to the Research Sub-Committee for further review. The concept plan will be implemented subject to any comments received from the Sub-Committee.

c.c. Mr. K. Cody, Chairman, Barton General B.I.A.

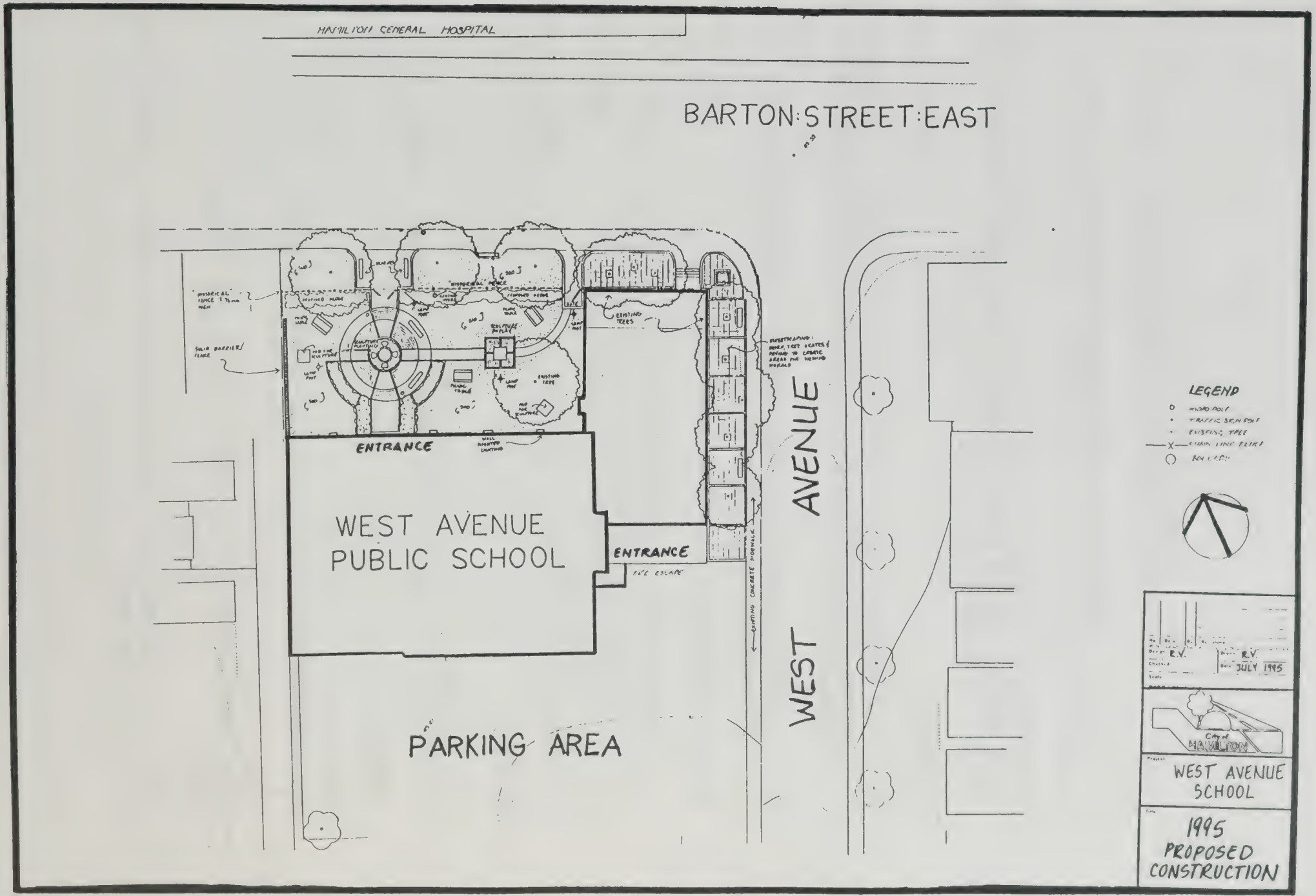
Mr. D. Clark, Building Department

Mr. K. Nutley, Property Department

Ms. N. Chapple, Planning Department

Mr. E. Hess, Public Works and Traffic Department

APPENDIX 'A'


HAMILTON GENERAL HOSPITAL
BARTON STREET EAST
WEST AVENUE PUBLIC SCHOOL
ENTRANCE
ENTRANCE
EXISTING TREES
EXISTING CONCRETE SIDEWALK
WEST AVENUE
PARKING AREA
LEGEND
R.V.
R.V.
JULY 1995
CITY OF HAMILTON
WEST AVENUE SCHOOL
1995 PROPOSED CONSTRUCTION

APPENDIX 'B'

BARTON STREET REVITALIZATION:
WEST AVENUE SCHOOL PROPERTY

PRELIMINARY MAINTENANCE SCHEDULE

The following is a preliminary maintenance schedule for the upkeep of the West Avenue School property. Complete product information including personal contacts and warranty guidelines will be provided at the completion of construction.

GENERAL

1. In all instances of damage and wear caused by use or faulty manufacturing, it is recommended that the warranty for all products be utilized in order to avoid any unnecessary expenses.

2. A complete inspection of all products should be conducted prior to the expiration of all warranties/guarantees time limits.

WEEKLY (SEASONAL)

- water all plantings, when rainfall is not sufficient
- cut grass, trim around all edges of landscape elements
- empty garbage cans; twice a week if necessary
- rake leaves as required
- shovel snow on all pathways, as required

MONTHLY

Hill's Yew Hedge:
As required during growing season, clip hedge to maintain a dense, neat form.

ANNUALLY

Hydrangea:
In early spring, remove all dead flowers and previous year's growth.

Spirea:
In June, lightly prune by removing irregular branching (does not require trimming).

English Ivy: In June, remove dead leaves and branches being careful not to dislodge the vine from the wall and/or fence.

...../2

Hick's Yew:
In August, trim stray branches (does not require trimming).

Picnic Tables:
Inspect picnic tables for splintering. Remove any splinters and sand rough edges, if required.

Benches:
Touch up painted areas if worn or scratched. Apply two coats of stain (approximately $16-18 per bench).

THREE YEARS

Stamped and Coloured Concrete:
Powerwash and reseal all surfaces (approximately $800. - $1,000. to hire contractor).

Lighting:
Replace lamps/bulbs as required (assumes a rated lamp life of 15,000 hours).

FOUR YEARS

Trees:
Thin out branches to promote healthier growth. Remove dangerous limbs if necessary.

FIVE YEARS

Benches and Picnic Tables:
Replace wood boards, if necessary.

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 September 12
(HOU-GEN)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Rental Housing Protection Act Applications - Revisions to Procedures

RECOMMENDATIONS:

(a) That each applicant under the Rental Housing Protection Act be required to submit a statutory declaration to confirm service of the required "Form 1" notice; and

(b) That the Planning and Development Department be authorized to hold a tenants' meeting with the affected tenants concerning an application under the Rental Housing Protection Act; and,

(c) That the Planning and Development Department be authorized to provide option sheets to tenants for those applications approved by Council and that the related costs be reviewed for inclusion in the updated fee schedule for planning applications.

V. J. Abraham

J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Additional costs will include mailing of notices and option sheets to tenants and staff time in organizing the tenants' meeting. It is recommended above that these costs be included in the Phase II fee of Rental Housing Protection Act applications. It is estimated that the additional fee would include two days of staff time for issuing the option sheets to the tenants and two days of staff time to collate to returned sheets. At this time, it is estimated that the additional costs will be in the order of $700. However, this figure will be monitored as this new process is implemented to ensure the cost figure is accurate.

BACKGROUND:

With the recent number of applications for condominium conversion, members of the Planning and Development Committee have expressed concerns regarding the process of tenant meetings with these applications. Staff of the Planning and Law Departments have been reviewing the processing of Rental Housing Protection Act applications over the past several months. Issues have arisen with regard to the processing of these applications, particularly where tenants are residing in the building.

ISSUES:

1. Notice Requirement to Tenants

   The Rental Housing Protection Act requires the applicant to provide each tenant with notification of the application being made to the City. The notice includes the name of the applicant, the address of the property, and the nature of the application (conversion, severance, etc.). Notification is given either by personal service or first class mail within five days of the submission of the application. The City also requires the applicant to post a sign in the lobby of the building, indicating that there is an application pending. The sign is provided by the Planning and Development Department and includes the name and phone number of the planner responsible for the file.

   Currently, there is no requirement that the applicant provide proof that service of the notices to the tenants has been completed. Other planning applications, such as rezonings, do require the applicant to submit proof that the City's notice requirements have been fulfilled. In the case of rezonings, a photograph of the required sign must be submitted prior to the public meeting being scheduled. It would be appropriate to require similar proof from the applicant that the tenants have been served with the mandatory notice. Appropriate proof should be a statutory declaration from the server of the notice that the notice requirements have been fulfilled. Staff of the Law Department have indicated that a statutory declaration would be appropriate proof of notification.

With the recent applications, it has also become clear that few tenants are familiar with their rights to retain secure accommodation pursuant to the conditions of approval adopted by Council. The inquiries received by staff of the Planning and Development Department indicate that there is confusion about the Act and its implications for a particular building. The tenants are not clear about whether or not they will be able to continue renting their unit, whether or not they will be evicted (and when), and whether or not they are required to purchase their unit.

A "Tenant's Guide to the Rental Housing Protection Act" is currently being prepared by the Planning and Development Department. The information in this guide includes details about the Act and the requirements of the Act. In addition, there are telephone numbers and contact names for assistance for tenants. This brochure should be included with the Notice of Application that is required by the Act to be given to all tenants.

The brochure will incorporate the decisions of Council arising from this report. Accordingly, the brochure has not been appended to this report but will be forwarded to Council for information once it is complete.

2. Tenants' Meeting

According to current practice, the applicant is responsible for holding a tenants' meeting at which time the tenants are informed of the applicant's intentions with regard to the building. In addition, the applicant should advise of any incentives to the existing tenants (a long-term lease and/or a discounted offer to purchase their current unit). The tenant meetings have been problematic; in some instances the applicant has not held the meeting, in other instances the information provided to the tenants at the meetings is unclear.

It is recommended that the City amend its procedures to ensure that a proper tenant meeting is held. This meeting would include adequate notice of the meeting, provision of consistent information about the application, and could also involve the presence of the Ward Alderman and City staff to answer questions. This meeting is consistent with the "Public Participation Practices" adopted by City Council in June of this year.

The Planning and Development Department staff should be authorized to hold a tenants' meeting with all tenants and the applicant. This recommendation will ensure that all tenants receive notice of the meeting, that the information provided to the tenants is consistent, and that the planner assigned to the file is available to answer questions and record concerns. The tenant meetings will also provide the tenants with an opportunity to ask any questions they may wish of the applicant and staff.

3. Implementation of Offers to Lease/Option to Purchase

Where a Rental Housing Protection Act application is approved by Council, it may include a requirement that an Offer to Lease and/or an Option to Purchase be given to each tenant within forty-five days of Council's approval of the approval. At present, it is the applicant's responsibility to fulfil this condition. Three issues have arisen during the processing of some of the recent applications with respect to the offers to lease and/or purchase. These are:

i) The offers are not sent to the tenants within the mandatory time frame;
ii) The offers have not been sent to the tenants at all; and
iii) A significant amount of staff time is spent in reviewing draft documents prepared by or on behalf of the applicant.

With regard to the first two issues, it has become apparent that Council's intention to provide existing tenants with secure housing, in some cases, is not being implemented. Council's approval applies to the tenants living in the building at the time of Council's decision. When the applicant sends the offers out later than forty-five days, some of the tenants to whom the offer applies may no longer live in the building. Consequently, the tenant's intentions are unknown to the City, making it difficult to ensure that Council's decision has been implemented. The applicant is required to provide the City with a complete list of tenants' intentions (lease, purchase, or neither) in order for the condition of Council's approval to be fulfilled.

Experience has shown that, at times, the documentation returned from the applicant is an incomplete list of the tenants' intentions. In this instance, staff are issuing registered letters to the tenants requesting a declaration of whether or not the tenant wishes to continue leasing the unit, purchase the unit, or neither. Additional staff time is required to undertake this process. However, recent experience has shown that this process is the best way to ensure that all tenants are advised of their rights under Council's approval and that the offers are sent to the tenants within a short time after Council's decision. Issuance of the offers by staff should also address the timeliness issue currently being experienced in issuing the offers to the tenants.

Staff have reviewed these difficulties and recommend that the process be revised so that the City notifies tenants of their options and requests that tenants return an option sheet to the City. This would be done in the form of a letter to the tenant along with an option sheet detailing the tenants choices. The option sheet requested from each tenant would clarify the following:

- whether or not the tenant was interested in leasing the unit;
- whether or not the tenant was interested in purchasing the unit; and,
- that no further notification would be given to the tenant if the option sheet is not returned to the City.

The option sheets would be issued immediately after the expiration of the appeal period (twenty days after Council's decision). The lists of tenants wishing to lease and purchase compiled by the Planning staff would then be provided to the applicant. Copies of the signed documents would be returned to the City Law Department prior to the Certificate of Approval being issued. These revisions should shorten the process for the applicant as the option sheets will be sent immediately after Council's decision. Currently, carrying out this condition of approval takes the applicants several months and, in some instances, over one year. The revised process should ensure that Council's conditions of approval will be cleared in a more expeditious fashion than what is currently being experienced by the applicants and the tenants.

It is intended that, with the revised process, standard offers to lease and options to purchase could be submitted to the applicant's solicitor together with the list of tenants wishing to lease and/or further consider an option to purchase. The applicant's solicitor would be required to have the offers executed and return a signed copy to the City Law Department. The condition of secure tenancy/purchase would be fulfilled in a more timely fashion.

There will be additional staff time and mailing costs involved in issuing the option sheets. It should be noted that, in the recent cases, the City has already incurred these costs as a result of the action (or inaction) of the applicant. It is recommended that these costs be included in the Phase II fee for processing of Rental Housing Protection Act applications to ensure the City recovers its costs.

CONCLUSION:

The review of the processing of the Rental Housing Protection Act applications has identified several current issues. The proposed revisions to the processing of the applications should ensure better information to the tenants and assure that Council's conditions are being implemented. Accordingly, it is recommended that the above-noted revisions to the RHPA procedures be adopted by Council and implemented by staff.

MLT/

c.c. P. Noé Johnson, City Solicitor

E

CITY OF HAMILTON

-RECOMMENDATION-

DATE: 1995 September 13

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary,
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Item, which has been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Site Plans for Approval - Planning Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted document has been sent out to members of the Committee and the applicable staff for information purposes, and is being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive this document will ensure that the circulation procedure followed for these matters is recorded.

URBAN/MUNICIPAL
CA4 ONHBL A05
C51 P4 1995

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 October 4th
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 95-23, Hampshire Properties Inc., owner for a change in zoning from "CR-1" (Commercial-Residential) District, modified to "HH" (Restricted Community Commercial and Shopping, etc.) District for lands at 1275 Upper James Street (front portion), as shown on the attached map.

   a) Submission: William and Carol Mercanti, 65 Chipman Ave., Hamilton

2. Zoning Application 95-15 and Subdivision Application SAC-95-05, Wellington Chase Inc. (J. Parente), owner, for an amendment to the City of Hamilton Official Plan and for a change in zoning from "G-1" (Shopping Centre) District to "C" (Urban Protected Residential, etc.) District, for property located at the north-west corner of Emperor Drive and Upper Wentworth Street.

3. Zoning Application 95-18, Elite Realty Corporation, prospective owner, for an amendment to the City of Hamilton Official Plan and for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified for property located at No. 775 and 779 Upper Wentworth Street.

   a) Submission: Anne Chapman, 354 Mohawk Rd. East, Hamilton

4. **CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PLANNING**

Zoning Application 95-17, Madan Gopal Sharma, owner for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" - 'H' (Street-Townhouse - Holding) District, modified, for lands located at the rear of 914 Upper James Street.

5. **CITY SOLICITOR AND BUILDING COMMISSIONER**

Zoning Verifications for Licence Applications (Report to be distributed at meeting)

6. **CONSENT AGENDA**

7. **OTHER BUSINESS**

8. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
3.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
4.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
5.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
7.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculatized if application is modified
8.	Rainwater Leader Bylaw	1995 July 5	Roads and Bulding Departments	Report Forthcoming
9.	CI-95-C, 11 Arthur Street South	1995 August 23		Tabled at the Finance and Administration Committee"s request
10.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
11.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23		Tabled at the request of the applicant
12.	Zoning verifications for Fast food Outlets	1995 September 20	Building and Law Departments	Report Forthcoming

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 September 27
ZAC-95-23
(Jerome Neighbourhood)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - 1275 Upper James Street

RECOMMENDATION:

1. That Zoning Application ZAC-95-23, Hampshire Properties Inc., owner, requesting a change in zoning from "CR-1" (Commercial-Residential) District, modified to "HH" (Restricted Community Commercial and Shopping, etc.) District, to permit the use of the subject lands for an automobile dealership, for lands located at 1275 Upper James Street, as shown on the attached map marked as APPENDIX "A", be APPROVED on the following basis:

   a) That the subject lands be rezoned from "CR-1" (Commercial-Residential) District, modified, to "HH" (Restricted Community Commercial and Shopping, etc.) District;

   b) That the "HH" (Restricted Community Commercial and Shopping, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

      (i) Notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the easterly limits of the "HH" District where they abut the residential district to the east;

(ii) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the easterly limits of the "HH" District where they abut the residential district to the east;

(iii) Notwithstanding Section 14A(3)(a) of Zoning By-law 6593, a front yard depth of at least 24 metres shall be provided and maintained; and,

(iv) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access.

c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map E-96 be notated S - ;

d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-96 for presentation to City Council; and,

e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. That the Jerome Neighbourhood Plan be amended by changing the designation of the subject lands from "Residential - Commercial & Apartments" to "Commercial" upon finalization of the implementing By-law.

EXPLANATORY NOTE:

The purpose of this by-law is to provide for a change in zoning from "CR-1" (Commercial-Residential) District to "HH" (Restricted Community Commercial and Shopping, etc.) District, for lands located at 1275 Upper James Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the development of the subject lands for an automobile dealership. In addition, the By-law provides for the following variances as special requirements:

- a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the easterly limits of the "HH" District;

- a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the easterly limits of the "HH" District;

- a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the front property line, except for any area used as an access driveway; and,

- a minimum front yard setback of 24 m whereas 12.0 m is required.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  It is the applicant's intention to change the zoning from "CR-1" (Commercial-Residential) District, modified, to "HH" (Restricted Community Commercial and Shopping, etc.) District, for lands located at No. 1275 Upper James Street to permit the use of the lands for an automobile dealership.

- Zoning Application ZAC-88-131

  In 1989, City Council passed Zoning By-law 89-137 which changed the zoning of the subject lands from "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District to "CR-1" (Commercial-Residential) District to permit the development of a mixed commercial/residential building on the subject lands. In addition, the By-law established the following special requirements:

  - a maximum height restriction of eight storeys or 26.0 metres;

  - requires a minimum 6.0 metre wide landscaped planting strip be provided along the easterly limits of the area zoned "CR-1" District; and,

  - requires that a visual barrier not less that 1.2 metres and not more that 2.0 metres in height be provided and maintained within the required landscaped strip along the easterly limits of the area zoned "CR-1" District.

APPLICANT:

Hampshire Properties Inc., owner.

LOT SIZE AND AREA:

The subject lands are part of a larger parcel of land. The lands subject to the rezoning application have:

- a width of 38.057 m (125 ft.);
- a depth of 101.506 m (333 ft.); and
- an area of 4,119 m^2 (44,338 sq. ft.).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"CR-1" (Commercial-Residential) District, modified
Surrounding Land Use		
to the north	Single Detached Dwellings, Vacant land and Commercial	"C" (Urban Protected Residential, etc.) District, "AA" (Agricultural) District and "HH" (Restricted Community Commercial and Shopping, etc.) District
to the south	Vacant school building	"C" (Urban Protected Residential, etc.) and "AA" (Agricultural) District
to the east	Vacant	"C" (Urban Protected Residential, etc) District
to the west	Single Detached Dwellings	"C" (Urban Protected Residential, etc) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL - EXTENDED HIGHWAY" on Schedule "A" - Land Use Concept of the Official Plan. The proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Residential - Commercial & Apartments" in the approved Jerome Neighbourhood Plan. The proposal does not comply with the Plan. Approval of this application would necessitate the redesignation of the subject lands from "Residential - Commercial & Apartments" to "Commercial".

UPPER JAMES STREET DESIGN GUIDELINES:

The subject lands are within the Upper James Street Corridor and are subject to the Urban Design Guidelines as set out in the approved Jerome Neighbourhood Plan. The guidelines establish the following criteria for commercial development along Upper James Street (see APPENDIX "B"):

- a minimum landscaped planting strip along the front property line of 3.0 m in depth;
- a front service road to rear of landscaped strip, 21 m in depth, which will include two rows of parking spaces and a traffic laneway running north-south between the parking spaces;
- the front facade of commercial buildings are to be located a minimum of 24 m from the front property line;
- a rear service road 21 m wide, in same design as front service road, with two rows of parking spaces and a traffic laneway;
- a rear landscaping strip to be provided on the lands designated and zoned for commercial uses; and,
- a maximum building height of 8 storeys.

COMMENTS RECEIVED:

- The Regional Planning Department had no objection to the approval of the application.

- The Building Department has advised that:

  "1. Demolition approval of the existing building by the Planning and Development Committee under the Demolition Control By-law is required and the issuance of the demolition permit.

  2. If the dwelling remained, it would be in violation of Section 4(3)(a) & (b) of Zoning By-law 6593, and would require variances through the Committee of Adjustment.

  3. The use of an Automobile Dealership is permitted in the proposed "HH" district of Zoning By-law 6593. Please note, that the use of an Automobile Dealership is not permitted in the "C" District, which is directly behind the lands affected by the Site Amendment.

  4. Please be advised that there is an existing Site Amendment at 1275 Upper James, S-1132, By-law 89-337, which outlines specific requirements and regulations regarding maximum height, landscaped planting strip and visual barrier.

  5. The minimum front yard setback, as outlined under Section 14A, "HH" District under By-law 6593 is 12.0 m (39.37 ft.).

  6. The minimum side and rear yard setback is 6.0 m (19.69 ft.) from the nearest boundary of a residential district, as outlined under Section 18(3) of By-law 6593.

  7. Under Section 18(3) of By-law 6593, a planting strip of at least 3.0 m (9.84 ft.) is required along every side and rear lot line. Site amendment S-1132, By-law 89-337, required a minimum of 6.0 m along the easterly property line (rear yard of the district) to Block 3 on Schedule A.

  8. A visual barrier not less than 1.2 m in height and not greater than 2.0 m shall be erected and maintained along every such side lot line and rear lot line, except that no visual barrier shall be situated less than 3.0 m distance from a front line.

  9. No drawings have been submitted; therefore, compliance cannot be determined under Zoning By-law 6593."

- The Traffic Division has advised that:

  "The proposal to rezone 1275 Upper James Street from "CR-1" (Commercial Residential) District to "HH" (Restricted Community Commercial and Shopping) District is satisfactory. However, we are concerned with the adjacent property to the north, 1269 Upper James Street, will be left as a small remnant of unusable commercial land. We suggest the applicant look at assembling this land as part of his development."

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of Upper James Street is 36.58 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 18.29 m from the centreline of the original Upper James Street road allowance.

According to the neighbourhood plan, the approval of this application would result in remnant lands at No. 1269 Upper James Street being designated for commercial and apartments. We recommend that this entire designation be reviewed and that a land assembly occur between lands at No. 1269 Upper James Street and No. 175 Upper James Street to provide for consolidated development for common access, loading etc.

The zoning boundaries should be verified to ensure that the lands to be rezoned exclude the lands included in the draft plan submissions to the east. We also note that a 20 foot planting strip between the residential and commercial land uses is required on the Jerome Neighbourhood Plan.

The applicant should be advised that any roadway improvements which may be required on Upper James Street as a result of this development approval, may be at the sole expense of the applicant/owner.

In the absence of any details shown, we advise that any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Road Use By-law.

The applicant should be advised that the future reconstruction and widening of Upper James Street may include the construction of raised concrete median islands which may restrict access to the site at some future date."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The subject lands are designated "Residential - Commercial & Apartments" in the approved Jerome Neighbourhood Plan. The proposal does not comply with the Plan. As such, the subject lands on which the automobile dealership is proposed should be redesignated from "Residential - Commercial & Apartments" to "Commercial". The remaining lands designated "Residential - Commercial & Apartments" can still be developed as per the approved Jerome Neighbourhood Plan.

3. The application has merit and can be supported for the following reasons:

   - it complies with the intent of the Official Plan;

   - it is compatible with existing and proposed development in the area.

4. In keeping with the general intent of the Official Plan and the Urban Design Guidelines for the Upper James Street Corridor, the implementing zoning by-law should contain the following special requirements:

   - a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height and a landscape planting strip having a minimum width of 6.0 m, should be provided and maintained along the easterly limits of the "HH" District where it abuts a residential district to buffer the parking area from the adjacent lands zoned for residential uses;

   - as shown on APPENDIX "B", a minimum front yard of 24.0 m to accommodate a minimum 3.0 m landscaped planting strip along the front property line. In addition, the front yard setback of 24.0 m is required for a front service road located to the rear of the front yard landscaped strip. The service road and parking areas should have a minimum depth of 21.0 m to accommodate two rows of parking spaces and a traffic laneway running north-south between the parking spaces; and,

   - the front of the commercial building should be located a minimum of 24.0 m from the front property line.

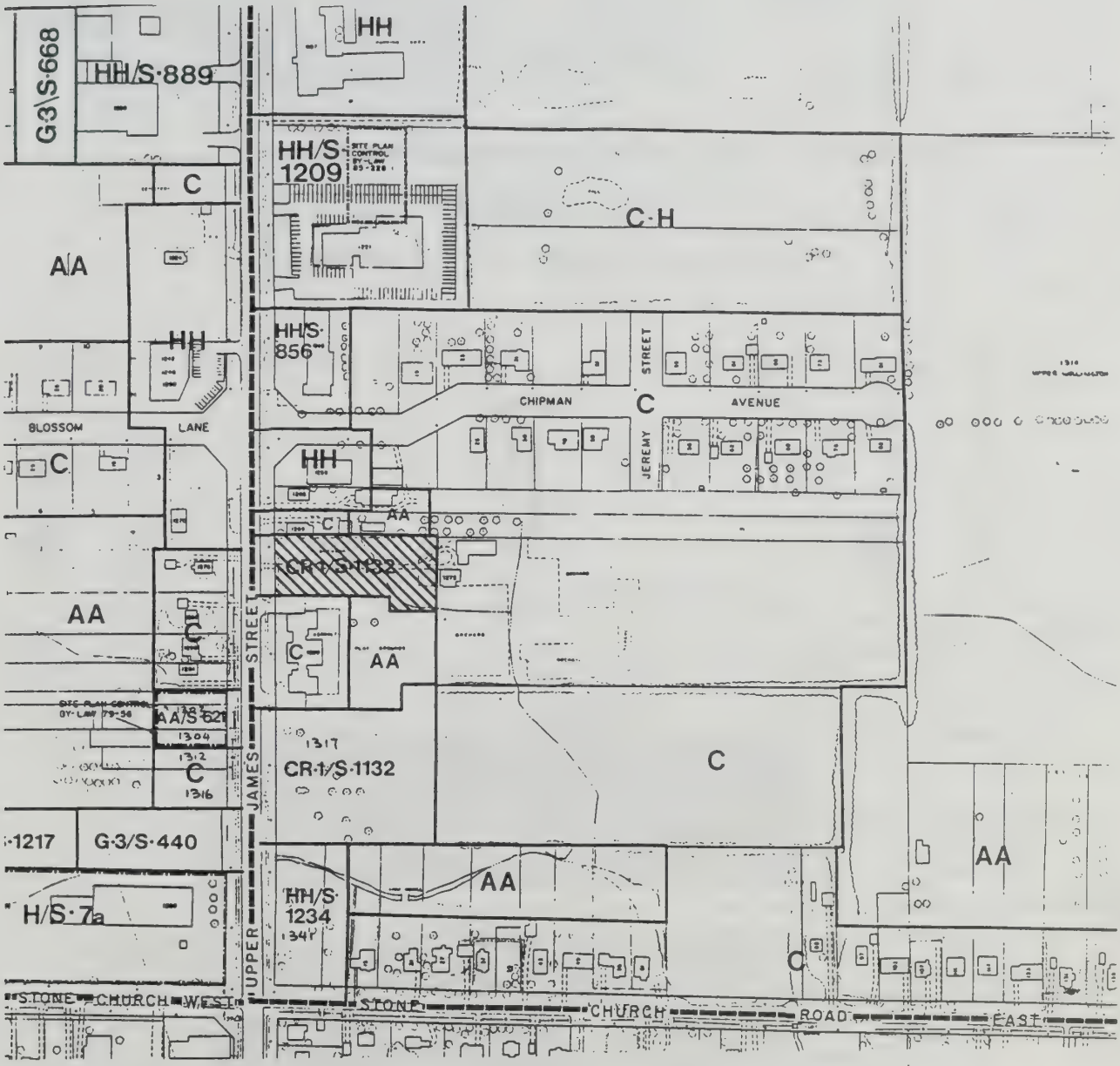
   As the provisions of the "HH" District establish a maximum building height of four storeys, it is not necessary to establish the maximum building height of 8 storeys as per the Upper James Street Corridor design guidelines as the 8 storey maximum is for mixed use commercial-residential buildings.

5. The requested change in zoning to "HH" (Restricted Community Shopping and Commercial, etc.) District is appropriate and would be subject to site plan control. In this regard, the applicant is required to submit site plans of the development for approval which would allow for the review of access, parking, grading, etc. prior to the issuance of a building permit.

CONCLUSION:

On the basis of the foregoing, the proposal can be supported.

/sr
Z95-23



Legend

Site of the Application

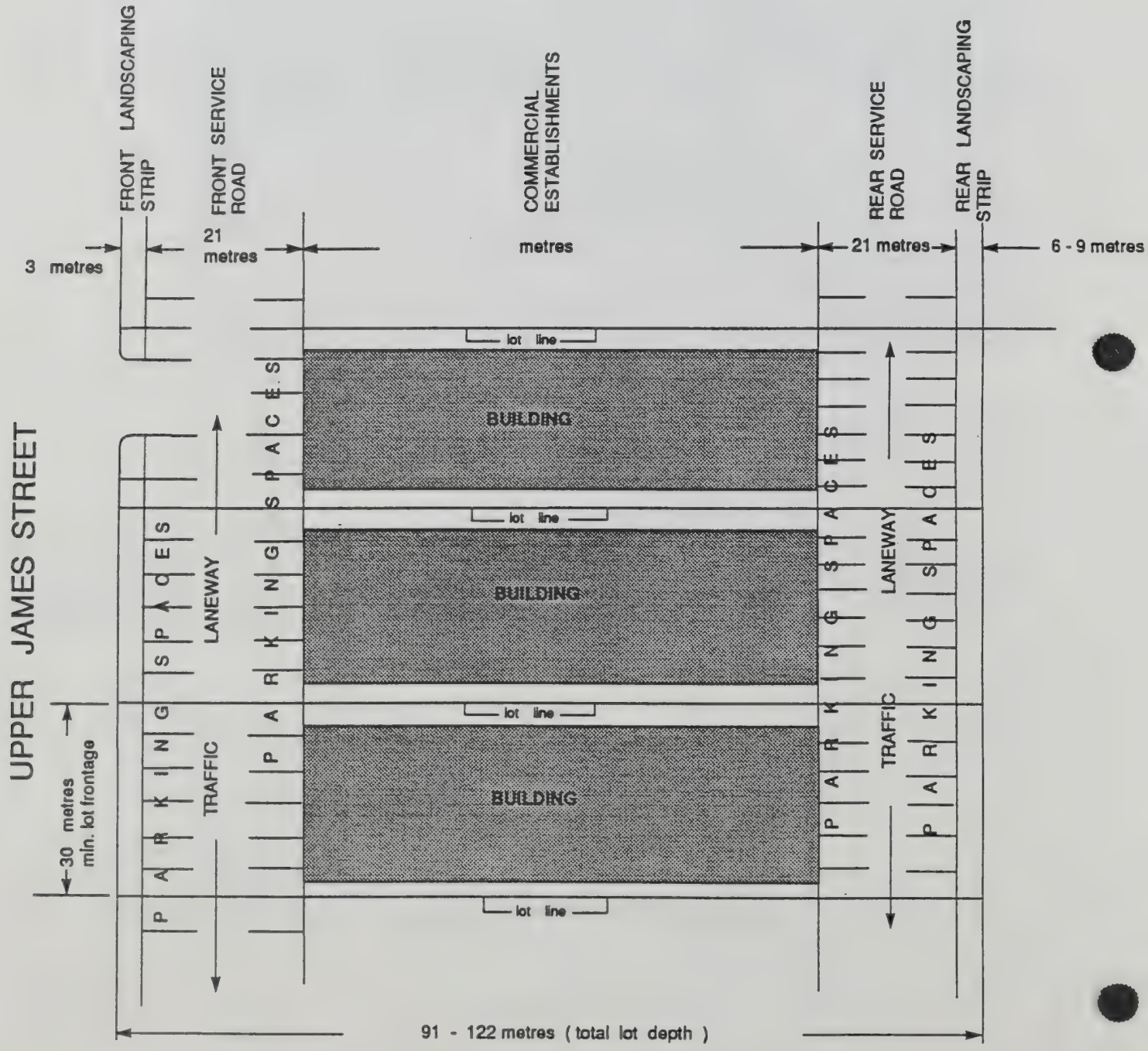
ZAC-95-23

APPENDIX "A"

URBAN DESIGN GUIDELINES
for
UPPER JAMES STREET CORRIDOR
JEROME SECTION

Example of Commercial Area Design for :

1) Commercial - General
2) Commercial & Apartments



APPENDIX "B"

1a)

DISTRIBUTED FOR INFORMATION TO MEMBERS OF PLANNING AND DEVELOPMENT COMMITTEE. + V Abraham + P. Neil Johnson
1995 Sept 26 T Agnello
DATE SIGNATURE

SEP 21 1995

65 Chipman Avenue,
Hamilton, Ontario.
L9A 2S9

September 19, 1995

SEP 22 1995

Planning and Development Committee,
City Hall
71 Main Street West
Hamilton, Ontario.
L8N 3T4

Dear Secretary:

RE: FILE #ZAC-95-23

In reply to your letter re the above file, we are opposed to this zoning change. Listed below are a few reasons.

- Difficult to get out of our Street (Chipman Avenue) now, sometimes 10-15 mins. A Stop Light could be considered.

- Adjacent businesses now use this street as a test ground. Excessive speed. Have already contacted Police Dept. but to no avail.

- Upper James presently is not adequate. There should be a turning lane to handle all these increased commercial businesses. (There is no turning lane from Limeridge Road to Hwy. 53 and this is a MUST if all these commercial businesses are going to be allowed.

Trusting these reasons could be taken into consideration.

Yours truly,

William Mercanti

Carol Mercanti

WAM/CM/

CITY OF HAMILTON

- RECOMMENDATION -

DATE: September 26, 1995
ZAC-95-15, SAC-95-05
Barnstown Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: (1) Request for an Official Plan Amendment and a change in zoning for lands at the north-west corner of Emperor Drive and Upper Wentworth Street; and,

(2) Proposed Draft Plan of Subdivision
(SAC-95-05/Regional File 25T - 95016).

RECOMMENDATION:

(1) A. That approval be given to Official Plan Amendment No. to redesignate the subject lands from "COMMERCIAL" to "RESIDENTIAL" and to delete that portion of Special Policy Area 23 applicable to the subject lands, and the City Solicitor be directed to prepare a By-law of adoption for submission to Regional Municipality of Hamilton-Wentworth.

B. That approval be given to Zoning Application 95-15, Wellington Chase Inc. (J. Parente), owner, requesting a change in zoning from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District, for property located at the north-west corner of Emperor Drive and Upper Wentworth Street, shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District;

ii) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18D for presentation to City Council;

iii) That the approved Barnstown Neighbourhood Plan be amended by redesignating the subject lands from "COMMERCIAL" to "SINGLE & DOUBLE RESIDENTIAL" upon finalization of the implementing By-law; and,

iv) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District, for lands located at north-west corner of Emperor Drive and Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit future development of the subject lands for seventeen (17) single-family dwellings, as per the proposed draft plan of subdivision "Wellington Chase Phase 5".

(2) Subdivision Application SAC-95-05

A. That approval be given to Subdivision Application 95-05, Wellington Chase Inc. (J. Parente), owner, for a draft plan of subdivision - "Wellington Chase - Phase 5", comprised of 17 lots for single-family dwellings in the Barnstown Neighbourhood, under Regional File 25T-95016, shown on the attached map marked as APPENDIX "B", subject to the following conditions:

i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Ltd. and certified by J.P. Woolley O.L.S. dated March 27, 1995, showing 17 lots for single-family dwellings and a 0.30 metre reserve block;

ii) That the owner submit a detailed cross section of Court "A", showing the location of all utilities to the satisfaction of the Regional Roads Department;

iii) That the owner convey to the Region by deed a 0.30m reserve, shown as a separate block on the final plan, along the rear of lots 10 to 17 inclusive;

iv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes;

v) That the owner enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands;

vi) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;

vii) That the owner prepare and submit, to the satisfaction of the City of Hamilton Planning and Development Department, a municipal street numbering plan;

viii) That the final plan conforms with the Zoning By-law approved under the Planning Act;

ix) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

x) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton; and,

xi) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

B. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95016), Wellington Chase Inc. (J. Parente), owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the costing of installing municipal services has been approved by City Council.

C. That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is requesting a change in zoning from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District for lands located at north-west corner of Emperor Drive and Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", to permit future development of the subject lands for 17 single-family detached dwellings, as per the proposed draft plan of subdivision for "Wellington Chase Phase 5" (See APPENDIX "B").

LOT SIZE AND AREA:

- 88.904 m (291.60 ft.) of lot frontage on Emperor Drive;
- 119.275 m (391.30 ft.) of lot depth; and,
- 2.467 acres (0.9975 ha) of lot area.

APPLICANT:

Wellington Chase Inc. (J. Parente), owner.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"G-1" (Designed Shopping Centre) District

Surrounding Lands

to the north	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Townhouses	"RT-20" (Townhouse-Maisonette) District
to the east	Townhouses	"RT-20" (Townhouse-Maisonette) District
to the west	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District

***OFFICIAL PLAN*:**

The subject lands are designated ***Commercial*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, where one exists:

i) Residential uses subject to the following provisions:

a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated."

The subject lands are also located within Special Policy 23 on Schedule B-2 - Other Special Policy Areas. Accordingly, the following policies of Subsections A.2.2 - Commercial Uses and D.2.5 - Planning Units and Neighbourhood Plans should be noted:

"A.2.2.8 Council recognizes SHOPPING CENTRES as appropriate forms of Commercial development necessary to the economic health of the City and the Region. In this regard, Council will utilize the following classifications of SHOPPING CENTRES, where applicable, in the preparation of Neighbourhood Plans:

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is requesting a change in zoning from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District for lands located at north-west corner of Emperor Drive and Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", to permit future development of the subject lands for 17 single-family detached dwellings, as per the proposed draft plan of subdivision for "Wellington Chase Phase 5" (See APPENDIX "B").

LOT SIZE AND AREA:

- 88.904 m (291.60 ft.) of lot frontage on Emperor Drive;
- 119.275 m (391.30 ft.) of lot depth; and,
- 2.467 acres (0.9975 ha) of lot area.

APPLICANT:

Wellington Chase Inc. (J. Parente), owner.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"G-1" (Designed Shopping Centre) District

Surrounding Lands

to the north	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Townhouses	"RT-20" (Townhouse-Maisonette) District
to the east	Townhouses	"RT-20" (Townhouse-Maisonette) District
to the west	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District

***OFFICIAL PLAN*:**

The subject lands are designated ***Commercial*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, where one exists:

i) Residential uses subject to the following provisions:

a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated."

The subject lands are also located within Special Policy 23 on Schedule B-2 - Other Special Policy Areas. Accordingly, the following policies of Subsections A.2.2 - Commercial Uses and D.2.5 - Planning Units and Neighbourhood Plans should be noted:

"A.2.2.8 Council recognizes SHOPPING CENTRES as appropriate forms of Commercial development necessary to the economic health of the City and the Region. In this regard, Council will utilize the following classifications of SHOPPING CENTRES, where applicable, in the preparation of Neighbourhood Plans:

v) A Convenience SHOPPING CENTRE will have a maximum gross floor area of 2,000 square metres.

D.2.5 NEIGHBOURHOOD PLANS for the PLANNING UNITS will indicate the location of proposed Arterial, Collector and Local roads; the location of community facilities such as Park areas, open spaces and School sites; the location and extent of lands set aside for Commercial or Institutional purposes; the distribution and mix of housing of varying densities; and the location and basic design of major Engineering Services and public utilities. When preparing NEIGHBOURHOOD PLANS, Council will consider the following:

x) In the preparation of NEIGHBOURHOOD PLANS, the following design standards will be used for the Special Policy Areas identified on Schedule "B-2" to determine the site area requirement of a Shopping Centre; in particular:

c) 1,000 square metres/1,000 persons in site area requirement (0.10 hectares/1,000 persons) will be used in Special Policy Area 23 for a Convenience Shopping Centre."

The proposal conflicts with the Official Plan as the approved Barnstown Neighbourhood Plan does not designate the subject lands for "Residential". An Official Plan amendment is required to redesignate the subject lands from "Commercial" to "Residential" and to delete the portion of Special Policy Area 23 applicable to the subject lands from Schedule "B-2" - Other Special Policy Areas.

NEIGHBOURHOOD PLAN:

The lands are designated "COMMERCIAL" on the approved Barnstown Neighbourhood Plan. The proposal does not comply with the Neighbourhood Plan. If approved, a redesignation would be required from "COMMERCIAL" to "SINGLE AND DOUBLE RESIDENTIAL".

RESULTS OF CIRCULARIZATION:

- The Building Department has advised:

"1. Lots 10-16 inclusive are through lots as shown.

2. There is no rear yard provided, therefore accessory structures such as garages and garden sheds will not be permitted.

3. Lot width and area are not shown. Most appear to be adequate, however, Lot 17 may not comply."

- The Traffic Department has advised:

  "The application to permit the proposed residential development is satisfactory subject to the provision that all vehicular access to lots 10 to 17 is provided from the cul-de sac and only pedestrian access be permitted to Upper Wentworth Street."

- The Roads Department has advised:

  "There are public watermains and separate sewers available to service the subject lands.

  All widenings were previously acquired by the Region, therefore no additional widenings are required at this time.

  Any works which may occur within the Upper Wentworth Street or Emperor Drive road allowances, as widened, must conform to the respective Streets/Roads Use By-law.

  No driveway accesses from the subject lands to Upper Wentworth Street or Emperor drive will be permitted."

  With respect to the proposed draft plan of subdivision for "Wellington Chase - Phase 5 ", the following conditions of approval are recommended:

  1. That a 0.30 m reserve along the rear of lots 10 to 17 inclusive be conveyed to the Region by deed and shown as a separate block on the final plan.

  2. That the owner submit a detailed cross section of Court "A", showing the location of all utilities to the satisfaction of the Regional Roads Department.

  3. That the owner enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands.

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. Approval of the application would require an Official Plan amendment to redesignate the subject lands from "Commercial" to "Residential" and to delete that portion of Special Policy Area 23 applicable to the subject lands. In this regard the applicant has applied for an Official Plan Amendment.

2. The proposal does not comply with the intent of the approved Barnstown Neighbourhood Plan which designates the lands "COMMERCIAL". If approved, a redesignation would be required from "COMMERCIAL" to "SINGLE AND DOUBLE RESIDENTIAL".

3. The proposal has merit and can be supported for the following reasons:

   i) there is an adequate supply of appropriately designated and commercially zoned lands to meet the needs of the neighbourhood (i.e. "G-1" District lands at the corner of Stone Church Road East and Upper Wellington Street, and Rymal Road East and Upper Wentworth Street);

   ii) the proposal represents infill within an established residential area; and,

   iii) the proposed "C" District is compatible with the existing single-family development in the area.

4. The proposed draft plan of subdivision is satisfactory subject to the various planning and engineering conditions, including a red-lined revision requiring a 0.3 m (1 foot) reserve to eliminate the through lots and potential access to Upper Wentworth Street.

5. With respect to the Building Department's comment regarding non-compliance of future accessory structures (i.e. garden sheds) in the rear yards of lots 10 through to 16. It should be noted that this issue will be resolved upon approval of the draft plan of subdivision which recommends that a 0.3 m (1 foot) reserve be imposed along Upper Wentworth Street eliminating the through lots. Furthermore, the lot width and area of lot 17 meets minimum by-law requirements.

6. The Regional Planning Department has advised that as a condition of draft plan approval the Region will require, among other conditions:

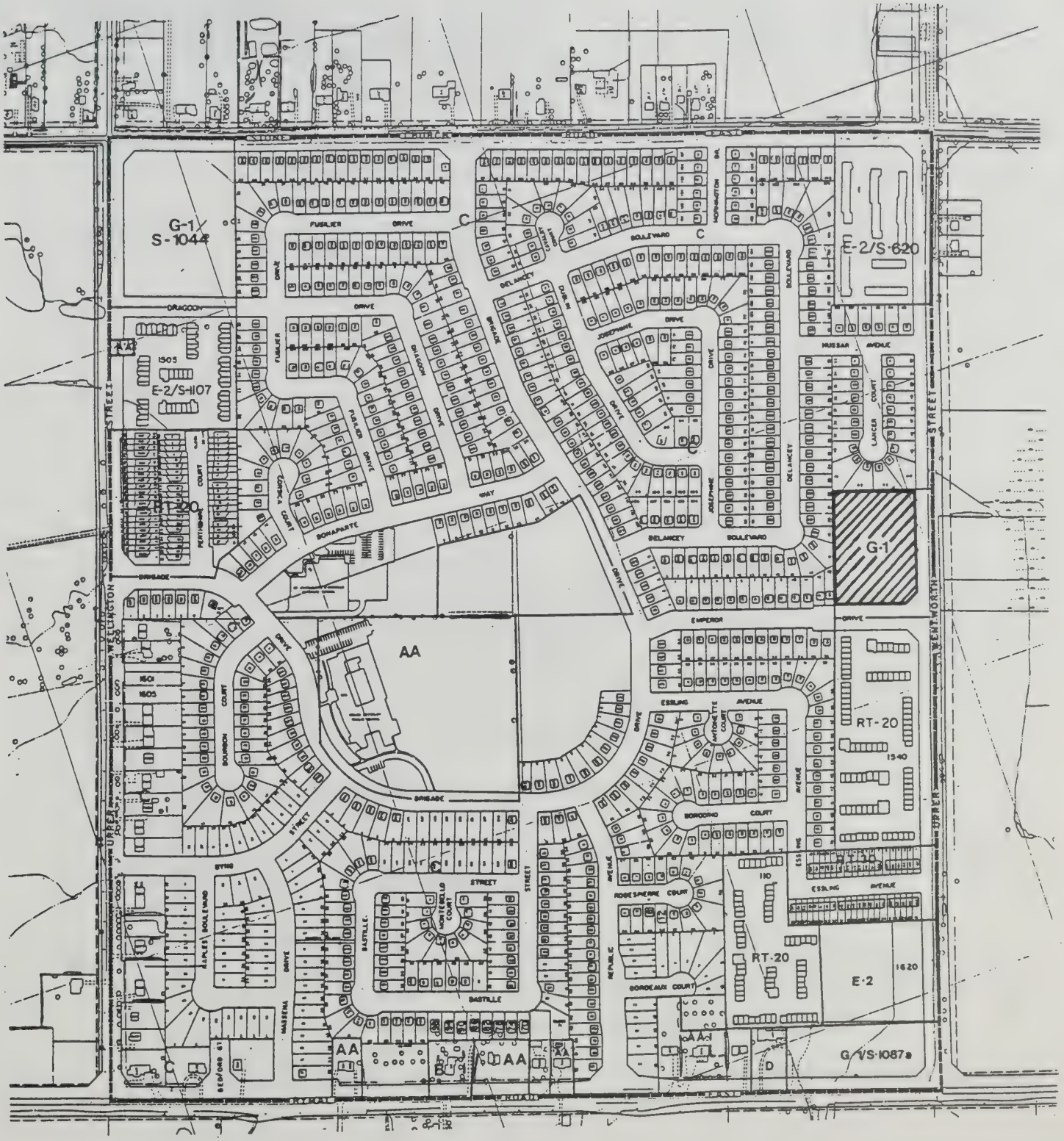
   - that the proponent submit to the Ministry of Environment and Energy a detailed acoustical assessment of the housing units to occupy lots 10 through to 17 in relation to noise impacts from vehicular traffic on Upper Wentworth Street; and,

   - that the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority.

CONCLUSION:

Based on the foregoing, the official plan amendment, the change in zoning and draft plan of subdivision can be supported.

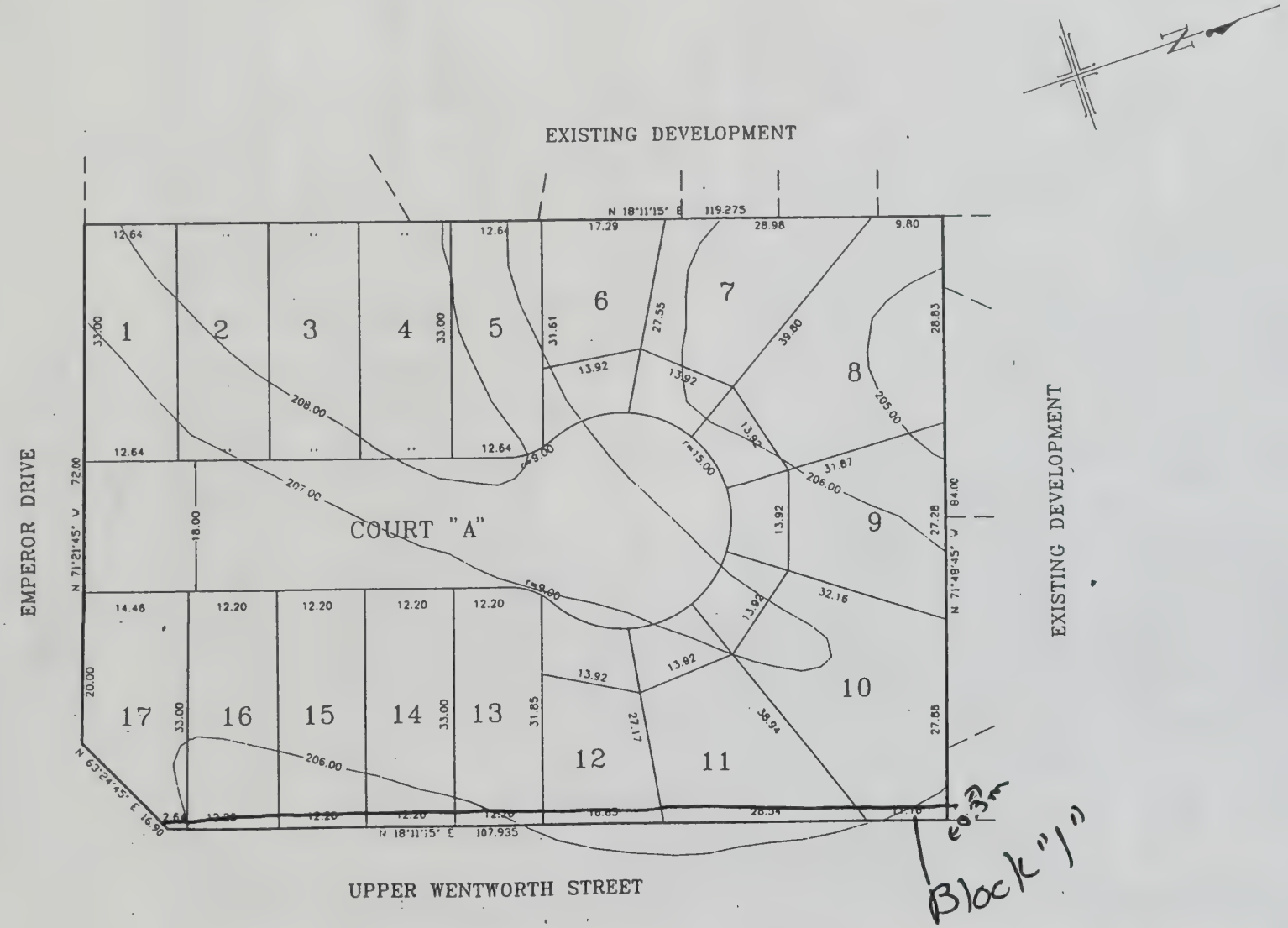
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ZAC9515
SAC9505



Legend

Site of the Application

APPENDIX A



APPENDIX B

PROPOSED DRAFT PLAN OF SUBDIVISION FOR

WELLINGTON CHASE PHASE 5

HAMILTON, ONTARIO

BEING PART OF LOT 11, CONCESSION 8, TOWNSHIP OF BARTON, COUNTY OF WENTWORTH NOW IN THE CITY OF HAMILTON

REQUIREMENTS OF THE PLANNING ACT, 1983 SECTION 50 (2)

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISIONS AND APPROVALS

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LAND USE SCHEDULE

USE	No. OF LOTS	AREA (HECTARES)	% OF TOTAL AREA
PVT SINGLE FAMILY RESIDENTIAL	17	0.81*	85
R.O.W.		0.146	15
TOTALS		0.957	100.00

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE URBEX ENGINEERING LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION FOR APPROVAL

DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY SHOWN.

DATE

NO.	REVISIONS	DATE

NOTE: DO NOT SCALE DRAWING

KEY PLAN NOT TO SCALE

AREA OF DEVELOPMENT

URBEX ENGINEERING LIMITED
PROFESSIONAL ENGINEERS
181 REBECCA STREET
HAMILTON, ONTARIO
L8R 1B0

SCALE: 1:300	PROJECT NO	DRAWING
DRAWN BY:	DATE: MARCH, 1995	1
CHECKED BY:	FILE: 0LINC3.DWG	

10

CITY OF HAMILTON

- RECOMMENDATION -

3

DATE:	September 26, 1995 ZAC-95-18 Burkholme Neighbourhood
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	V. J. Abraham, M.C.I.P., R.P.P. Director, Planning and Development Department J. Pavelka, P.Eng. Chief Administrative Officer
SUBJECT:	Request for an Official Plan Amendment and change in zoning for lands located at No. 775 & 779 Upper Wentworth Street.

RECOMMENDATION:

That Zoning Application 95-18, Elite Realty Corporation, prospective owner, requesting an Official Plan Amendment to redesignate the subject lands from "Major Institutional" to Commercial" and a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified to permit limited commercial uses within the existing building, for property located at 775 and 779 Upper Wentworth Street, shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) It conflicts with the approved Burkholme Neighbourhood Plan;

ii) The broad range of commercial uses proposed (i.e. retail and hardware stores, personal service shops, etc.) are not compatible with the existing residential development to the north and the east;

iii) There is an adequate supply of commercially zoned lands in the area to meet the needs of residents of the community (i.e. Limeridge Mall and area to the south, and north-west corner of Upper Sherman Avenue and Mohawk Road East); and,

iv) The proposal represents an indiscriminate extension of commercial zoning into an established residential area.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Elite Realty Corporation, prospective owner.

BACKGROUND:

- Proposal

The applicant, Elite Corporation, has applied for an amendment to the City of Hamilton Official Plan to redesignate the subject lands from "Major Institutional" to Commercial", and for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified to permit limited commercial uses within the existing building, for property located at 775 and 779 Upper Wentworth Street, shown on the attached map marked as APPENDIX "A".

The applicant has proposed to limit the commercial uses within the existing building as follows:

- banks or financial institutions;
- convenience stores;
- day nurseries;
- drug stores;
- flower shops;
- hardware stores;
- personal service shops;
- pet food stores;
- professional or business offices;
- retail stores;
- video rental outlet;
- studio/art gallery;
- business or commercial school;
- bakery;
- medical centre; and,
- pharmacy.

The subject lands were formerly used as municipal health unit offices and a firehall.

LOT SIZE AND AREA:

- 81.22 (266.50 ft.) of lot frontage on Upper Wentworth Street;
- 54.91 m (165.00 ft.) of lot depth; and,
- 4038.04 m^2 (0.4 ha) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Former Municipal Health Unit Offices and Firehall	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
Surrounding Lands		
to the north	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Sackville Hill Memorial Park and Senior Citizen Centre	"C" (Urban Protected Residential, etc.) District
to the east	Senior Apartment Complex	"DE-2" (Multiple Dwellings) District
to the south	Commercial and Single-Family Dwellings	"H" (Community Shopping and Commercial, etc.) District - Modified and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated ***Major Institutional*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.6.1 The primary uses permitted in the areas exceeding 0.4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and accessory uses."

With respect to the proposed commercial uses, the following policies of Subsection A.2.2 - Commercial Uses should be noted:

"A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

A.2.2.37 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

A.2.2.38 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use."

The proposal conflicts with the intent of the Official Plan. If approved, an Official Plan amendment is required to redesignate the subject lands from "Major Institutional" to "Commercial".

NEIGHBOURHOOD PLAN:

The lands are designated "CIVIC AND INSTITUTIONAL" on the approved Burkholme Neighbourhood Plan. The proposal conflicts with the intent of the Plan. If approved a redesignation would be required from "CIVIC AND INSTITUTIONAL" to "COMMERCIAL".

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

  - Union Gas; and,
  - Hamilton Region Conservation Authority.

- The Ministry of the Environment was circulated for their comments concerning an underground fuel tank that was previously removed from the site. In this regard the Ministry has advised that, in consultation with the City Operations and Maintenance Department and the investigation by Wm. Groves, the fuel tank has been removed and no evidence of contamination was encountered, thus further investigation is not required.

- The Roads, Building, and Traffic Departments have advised that they are not opposed to the change in zoning and have forwarded comments regarding the future site planning of the site should the application be approved (see APPENDICES "B", "C, & "D").

- The Real Estate Division has reviewed the application as submitted and have concerns regarding the broader, more intensive commercial uses proposed. The subject property is the subject of an offer of purchase between the applicant and the City of Hamilton. The offer is conditional upon the applicant obtaining a rezoning of the lands to allow general office use.

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan which designates the subject lands "MAJOR INSTITUTIONAL". Approval of the application would require an amendment to redesignate the subject lands from "MAJOR INSTITUTIONAL" to "COMMERCIAL". In this regard the applicant has applied for an Official Plan Amendment.

2. The proposal conflicts with the intent of the approved Burkholme Neighbourhood Plan in that the lands are designated "CIVIC AND INSTITUTIONAL". If approved a redesignation would be required from "CIVIC AND INSTITUTIONAL" to "COMMERCIAL".

3. Reuse of the existing building for restricted commercial uses, such as offices and a day nursery has merit. However, approval of the application, as submitted by the applicant, would have the effect of establishing a "Neighbourhood Commercial" type zoning on the subject lands.

   Accordingly, the proposal as submitted cannot be supported for the following reasons:

   i) It conflicts with the approved Burkholme Neighbourhood Plan;

   ii) The broad range of commercial uses proposed (i.e. retail and hardware stores, personal service shops, etc.) are not compatible with the existing residential development to the north and the east;

   iii) There is an adequate supply of commercially zoned lands in the area to meet the needs of residents of the community (i.e. Limeridge Mall and area to the south, and the north-west corner of Upper Sherman Avenue and Mohawk Road East); and,

   iv) The proposal represents an indiscriminate extension of commercial zoning into an established residential area.

4. During preliminary discussions with the Real Estate Division of the Property Department, the Planning Department indicated that there may be merit in conversion of the existing building for limited commercial uses, such as offices and a day nursery, subject to review of further details, such as buffering, access, parking, etc., through a development application.

   The application submitted by the applicant requested a rezoning to accommodate commercial offices (i.e. Real Estate Office). Subsequently, and prior to the circulation of the application, the original request was amended to include the following broader range of commercial uses:

   - banks or financial institutions;
   - convenience stores;
   - day nurseries;
   - drug stores;
   - flower shops;
   - hardware stores;
   - personal service shops;
   - pet food stores;
   - professional or business offices;
   - retail stores;
   - video rental outlet;
   - studio/art gallery;
   - business or commercial school;
   - bakery;
   - medical centre; and,
   - pharmacy.

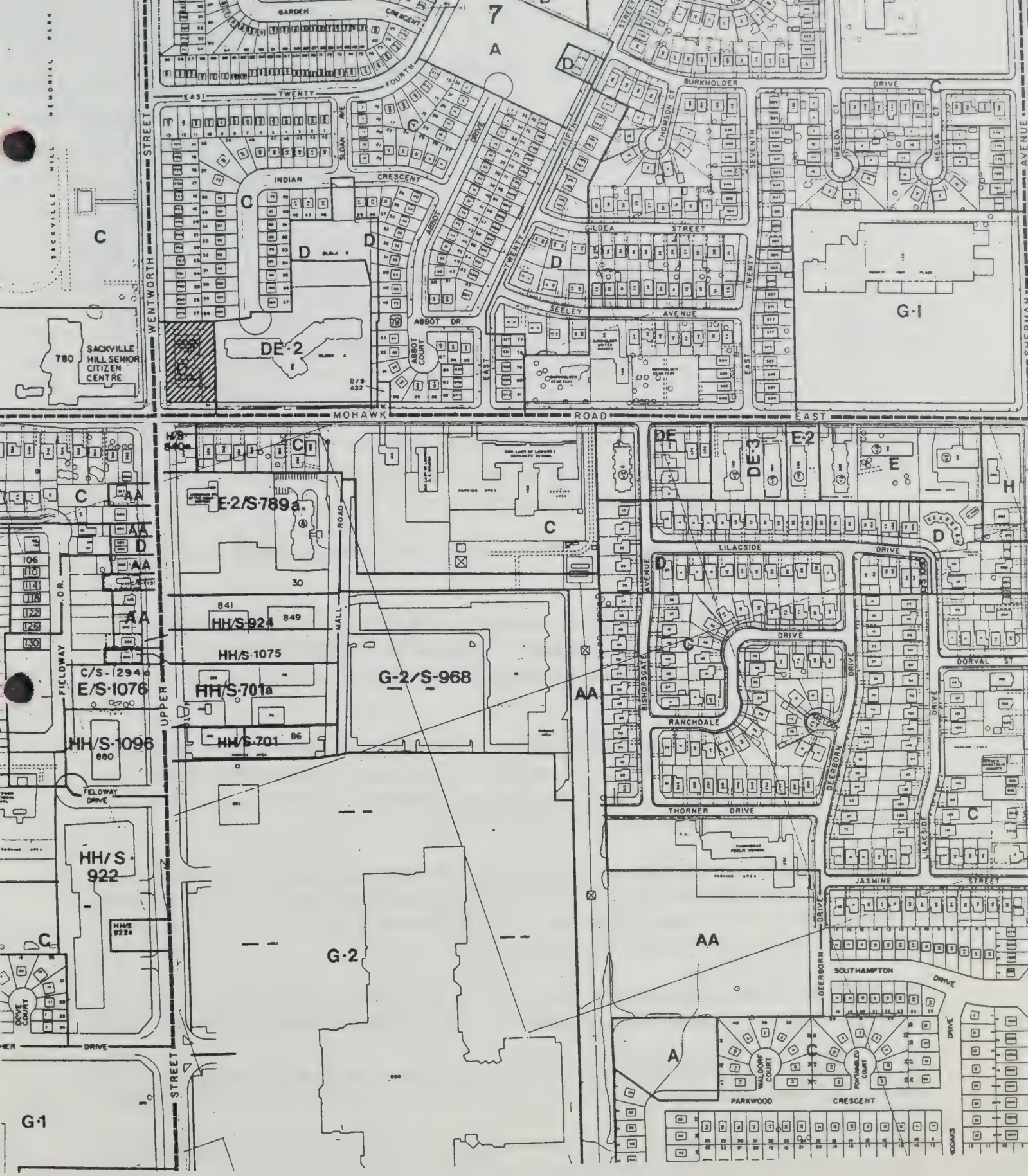
   It is understood, that the applicant has determined that there is surplus space after the offices are accommodated.

5. Based upon the survey plan submitted by the applicant, the existing site layout (i.e. building location, existing parking areas, etc.) may not allow for adequate buffering for the adjacent residential uses and satisfy access driveway, parking and service area requirements of the zoning by-law.

CONCLUSION:

Based on the foregoing, the application as amended <u>cannot</u> be supported.

JL/jl
WPZAC9518



Legend

Site of the Application

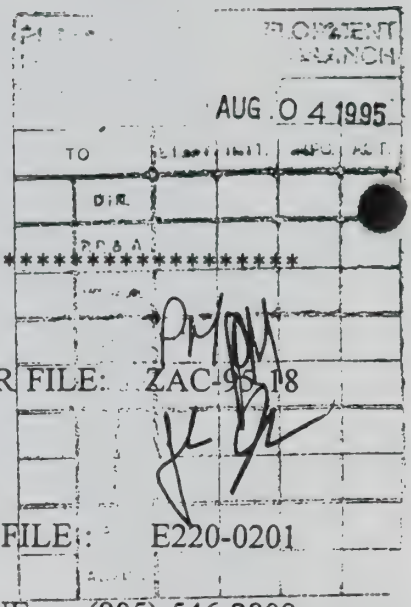
ZAC-95-18

APPENDIX A

8-4

ROADS DEPARTMENT

MEMORANDUM



****

TO: P. Mallard
Division Head, Land Use and Urban Design
Department of Planning & Development

YOUR FILE: ZAC-95-18

FROM: E. P. Chajka, P. Eng.
Manager of Development
Roads Department

OUR FILE: E220-0201

PHONE: (905) 546-2809
FAX: (905) 546-2870

SUBJECT: **Zoning Application 95-18 for the lands Located at 775 and 779 Upper Wentworth St.**

DATE: 1995 August 3

There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Mohawk Road is 30.48m. According to our records, the road widening is offset to the south side of Mohawk Road. Therefore, we do not anticipate any further road allowance widenings on the north side of Mohawk Road at this time.

The Region previously acquired the required road widening on Upper Wentworth Street and the required daylight triangle by Instrument No. 157934 C.D. and shown as Part 48 on Reference Plan 62R-5049. Therefore, we do not anticipate any further road allowance widenings on Upper Wentworth Street at this time.

We understand that the widening of the access onto Mohawk Road will likely require the removal of a tree within the road allowance. The applicant must contact the Forestry Division of the City of Hamilton Public Works and Traffic Department at 385-4071 for approval to remove the tree prior to preparing the final site plan.

The chain link fence on the east property line should be recessed approximately 3m from the Mohawk Road road allowance limits to maximize motorist visibility entering Mohawk Road.

In the absence of any other details shown, we advise that any works which may occur within the adjacent road allowances, as widened, must conform to the Region's Roads Use By-law.

We recommend that the subject be developed through site plan control at which time we will provide more detailed comments on access location, grading etc.

cont'd...

APPENDIX B

Zoning Application 95-18 for the lands
Located at 775 and 779 Upper Wentworth St.

cont'd...

Approach approvals are required from the City of Hamilton Public Works and Traffic Department for any change in access or new access to upper Wentworth Street or Mohawk Road. We have discussed this matter with their staff and recommend that the driveway onto Mohawk Road be widened to 7.5m at the property line and that the access be shifted to the west to improve the visibility of motorists entering Mohawk Road.

We have forwarded this application to the Public Transit Division and to date have not received a response with respect to bus shelters etc. Any further comments will be set to your office once their review is completed.

Eugene P. Chajka, P. Eng.
Manager of Development

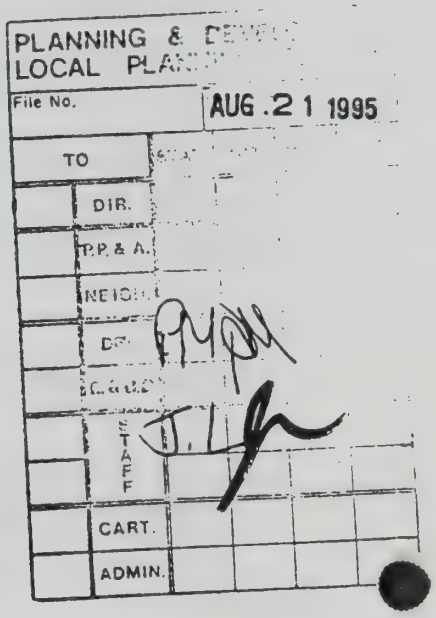
CAU

BUILDING DEPARTMENT
71 Main Street West, Hamilton, Ontario L8N 3T4
Telephone (905) 546-2720 / Fax (905) 546-2764

City of
HAMILTON

FILE: ZAC-95-18
ATTENTION OF: S. Parker
TELEPHONE NO: (905) 546-2722

1995 August 17



MAP NUMBER: E-27

PROPOSED ZONING: "HH" Modified

Mr. V. J. Abraham, M.C.I.P.
Director
Planning and Development Department
c/o Chief Administrative Office

Dear Sir:

RE: ZAC-95-18
775-779 Upper Wentworth Street

The above, under cover of your letter dated June 30, 1995, has been examined.

COMMENTS:

1. For the purpose of determining the parking and loading requirement, the floor area is the area within the perimeter of the building.

2. Based on a floor area of 1037.2m^2, nineteen (19) parking spaces and one (1-3.7m x 18.0m x 4.3m) loading space.

3. The parking and manoeuvring spaces must be at least 1.5m from the lot lines adjoining the residential districts to the north and east and shall be landscaped with a planting strip.

4. A visual barrier is required along the lot lines adjoining the residential districts to north and east.

5. The manoeuvring space aisle width and driveway width for the parking spaces adjacent to the northerly lot line are insufficient.

Continued on Page Two .....

6. A "day nursery" is an institutional use, not a commercial use.

7. A pharmacy is normally part of a drug store.

8. Retail store would include such uses as a flower shop, hardware store or pet food store.

9. A commercial school includes a business school.

10. Other uses that should be considered are storage areas for goods to be sold, manufactured assembled upon the premises with a limit of 25% of the floor area and business identification signs such as wall, roof and ground with location and size restrictions.

Yours truly

for the Building Commissioner

SP/bel

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

City of HAMILTON

TRAFFIC DIVISION
1st Floor, 71 Main Street West, Hamilton, Ontario, L8P 4Y5
Tel. (905) 546-4510 / Fax (905) 546-2419

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
File No.
JUL 12 1995
TO | INIT. | INFO. | ACT.
DIR.
P.P. & A.
DES.
G.A.U.D.
STAFF
CART.
ADMIN.

1995 July 6

Mr. V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department
City of Hamilton

Attention: Mr. Paul Mallard

Dear Sir:

Re: ZAC 95-18
775 and 779 Upper Wentworth Street

In response to your letter of 1995 June 30, please be advised that we have reviewed the above application and have the following comments.

The application to permit the development of a commercial/office complex is satisfactory.

With reference to the preliminary plan, we have the following comments.

In accordance with the Zoning By-law, one 9.0 m by 3.7 m loading space is required for a development having a gross floor area of 905 sq. m. We recommend that the plan be modified to include the required loading space. We suggest that the loading space be located parallel to the rear of the building adjacent to the area proposed as commercial floor space. Although not required by the By-law, we recommend that the plan be modified to include the location of any garbage facilities to be provided.

We recommend that the parking area adjacent to Mohawk Road be modified, as shown on the attached plan, to provide adequate manoeuvring for vehicles parked at the west end of the parking area.

We recommend that the parking area at the north end of the building be modified to provide a minimum 6.0 aisle width and 6.0 m parking space.

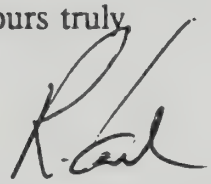
We recommend that the curbing at the ends of the parking areas be reduced in length, as shown on the attached plan, to provide improved manoeuvring and circulation.

We recommend that the access driveways be modified to provide a minimum 7.5 m. width at the property line. The widening of the access driveway on Mohawk Road will likely require removal of a tree located within the road allowance. The applicant should be advised to contact the Forestry Section of the Public Works and Traffic Department at 385-4071 for approval to remove the tree prior to preparing the final site plan.

It is our understanding that renovations to the building will include removal of the overhead door and enclosure of the parking garage within the building. On that basis, we recommend that the driveway be removed and replaced with landscaping and the driveway ramp to Upper Wentworth Street be removed and the curb, boulevard and sidewalk be restored.

Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,



Roland Karl, P. Eng.
Manager of Traffic Planning

BF/ab
Attach.

cc: E.P. Chajka, Manager of Development, Roads Department

"Distributed to: Alderman Drury; Alderman Eisenberger; Mayor Morrow; D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local Planning; P. Noé Johnson, City Solicitor, Law Department; R Kath, Traffic Department, D. Lobo, Director of Public Works - 1995 Sept 5m.

1 of 5

354 Wilshawk Rd E
Hamilton, Ont
Aug. 28/95

3a)

OFFICE OF THE CITY CLERK
SEP 01 1995
REC. BY ... DATE ...
REF'D. TO ... DATE ...
REF'D. TO T.A. DATE ...
REF'D. TO ... DATE ...
ACTION: F.Y.A

City Hall
25 Main St W.
Hamilton, Ont

Att: City Clerk

Dear Sir/Ma'am:

I've been an owner occupant of the above address for 35 years. And of course, I've seen many many changes in this neighbourhood during that period.

But this latest request for a zone change has me most upset. And I'm strongly objecting to same (file # Z.A.C. - 95-18).

Incidentally, I didn't have the opportunity to object when the Sackville Hill Sr. Rec. Centre was going to be built across the road from me. Changed from the original advertised location because of much opposition. Now I have to look at a "Berlin Wall" right out of my living room window, when previously I enjoyed watching children at play. But that's another story!

My home is the 3rd house from the S.W. corner & exactly kitty corner to the proposed site. The property in question was formerly a fire hall, public health clinic combination. This combination was built shortly after we moved here. The S.E. corner directly across the proposed zone change (where the Pizza Pizza is now) was already commercial.

Now that the fire hall etc. site has been purchased by the Elite Reality Corp. (Coldwell Banker Elite Reality Corp.) they want to change the site to a strip mall. (over)

And the following are the reasons why I'm opposing (contesting) said change.

(1) Increases the danger at the intersection for both pedestrians & traffic. With advance green for turning left, the cars are so anxious to turn L. or R. before the light changes that very little regard is shown for pedestrians or cars. I've personally experienced such & I'm sure youngsters attending the elementary & high school in this area have found likewise. And they can move a heck of a lot faster than us seniors. I've also witnessed many, many cars colliding for the same reason.

(2) Creates an asphalt jungle for the intersection when there already are two corners that are paved over (one being the Sr. Rec. Centre & the other a Pizza Pizza parlour with a store front that has been empty & for base for 3 years or longer, along side.)

(3) For me, the quality of life has already been compromised & likewise with many, many of my neighbours when the Sr. Rec. Centre was built. And most of us are very mature adults. Also this will further decrease our property values.

(4) The environment in our immediate area will be further littered with advertising signs of all descriptions if that corner is allowed to become a strip mall.

(5) And last but not least, why wasn't that corner retained & made into a lovely mini park? Like the S.E. corner of Upper Wellington & Concession & S.E. corner of Upper Wellington & Fennell.

(contd page 3)

Weren't we owned such consideration when we were already deprived of park area?

(6) And one more point that I've just thought of – the commercial area (Pine Ridge Mall, etc.) just down the street, has many, many empty stores, offices & even land for sale. Reminds me of the Era when there use to be gas stations at almost every main intersection (& some not so main). And now, how many are empty & boarded up? They also pose a blight on the neighbourhoods!

Yours truly,
(Mrs.) Anne Chapman
385-5271

Copy: Mayor Bob Morrow
Alderman Terry Anderson
enc (2)

Spec. Aug 3/95

461), **Top 5 pop chart** (weekly up

Take a look for yourself

My beef is with drivers who turn corners on red lights. Many times I have stepped out to cross the road on a walk signal with my son in his stroller, and almost get run over because the driver never looked our way.

This is happening to us at the corner of Mohawk Road and Upper Wellington Street, and I am sure it's happening at other busy corners. Please take a quick glance our way, it might save a life one day.

– M. & Z.

Carry a slingshot Aug 24/95

My beef is that traffic lights don't allow you enough time to walk across the road. Do you want us to die or something?

– A Normal-pace Walker

CITY OF HAMILTON

4.

- RECOMMENDATION -

DATE: September 26, 1995
ZAC-95-17
Yeoville Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

Mr. J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Zoning Application 95-17 for lands located at the rear of 914 Upper James Street.

RECOMMENDATION:

That Section 3(a) of the Seventh Report of the Planning and Development Committee for 1995, which applies the 'H'- Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the lands located at the rear of 914 Upper James Street fronting onto Caledon Avenue, shown on the attached map marked as APPENDIX "A", respecting Zoning Application 95-17, Madan Gopal Sharma, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" - 'H' (Street-Townhouse - Holding) District, modified, to permit seven (7) street townhouses, be REPEALED.

EXPLANATORY NOTE:

Section 3(a) applies a 'H' - Holding symbol which was required at the time Planning and Development Committee and City Council dealt with the application. The 'H' - Holding symbol allows a By-law to be adopted while the applicant addresses the Ministry of the Environment and Energy's concern regarding soil contamination. However, prior to City Council adopting a By-law implementing the 'H' - Holding provision, the Ministry of the Environment and Energy has advised that their concerns have been addressed. Therefore, the 'H' - Holding provision is no longer necessary.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Zoning Application 95-17

  The applicant, Madan Gopal Sharma, owner, requested a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District, modified, to permit seven (7) street townhouses, for the property located at the rear of 914 Upper James Street fronting onto Caledon Avenue (APPENDIX "A").

  The Planning and Development Committee, and City Council at their meetings of August 23, 1995, and August 29, 1995, respectively, approved Zoning Application ZAC-95-17. The approval applied the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District, which would prohibit the development of the subject lands until such time as the Ministry of Environment and Energy has advised in writing that:

  a) the applicant has completed an Environmental Assessment, and any required works, to the satisfaction of the Ministry of Environment and Energy.

  City Council could remove the 'H' symbol, and thereby give effect to the "RT-30" District, modified provisions as stipulated in the By-law by enactment of an amending By-law once the condition was fulfilled.

  The applicant has yet to pay the Phase II fee required for the by-law to be forwarded to City Council for adoption.

COMMENTS:

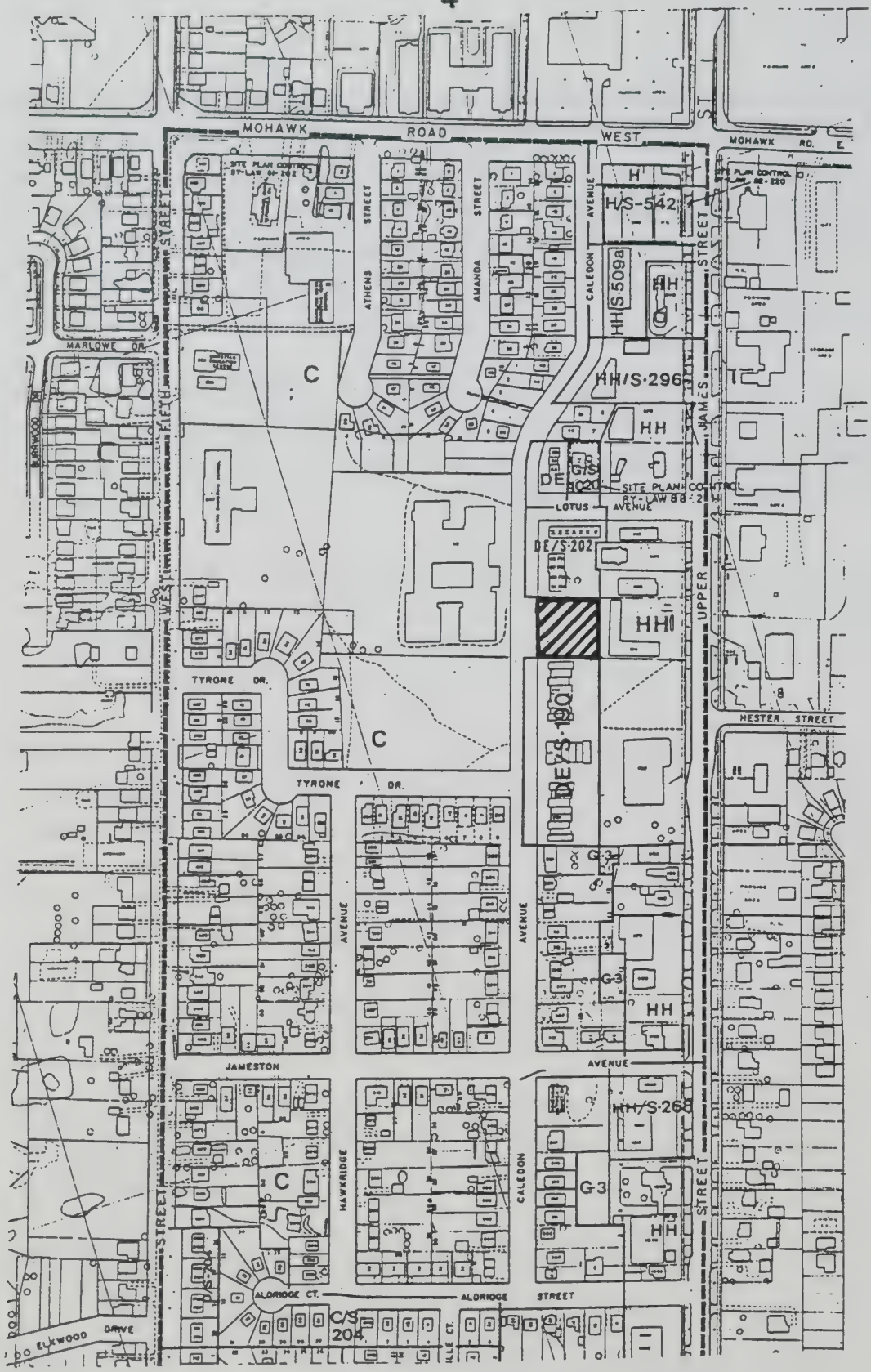
The 'H' - Holding provision was applied at the time Planning and Development Committee and City Council dealt with the application on the recommendation of the Ministry of the Environment and Energy. The 'H' - Holding symbol allows a By-law to be adopted while the applicant addresses the Ministry of the Environment and Energy's concern regarding soil contamination. Subsequently, the Ministry of the Environment and Energy has advised that their concerns have been addressed (see APPENDIX "B").

The Environmental Assessment that was undertaken for the lands fronting Upper James Street (i.e. carwash and gas station) concluded that no soil remediation is necessary. Furthermore, based on the fact that the area of excavation for the townhouse development is approximately 90 to 100 feet west of the carwash building, which separate the lands to be developed, they have no objection to the zoning change to allow the construction of the townhouse project.

CONCLUSION:

Since the concerns of the Ministry of the Environment and Energy have been addressed prior to the By-law being forwarded to City Council for adoption, it is recommended that the 'H'- Holding provision of Council's approval as stipulated in Section 3(a) of the Seventh Report of the Planning and Development Committee be REPEALED.

JL:jl
ZAC9517R



Legend

APPENDIX A

Site of the Application

NORTH

ZAC-95-17

Ontario

Ministry of Environment and Energy

Ministère de l'Environnement et de l'Énergie

119 King St W
12th floor – Box 2112
Hamilton ON L8N 3Z9

119 rue King ouest
12e étage – Casier 2112
Hamilton ON L8N 3Z9

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
File No.
SEP 19 1995
TO | DATE | INIT. | INFO. | ACT
L.M.
P.B. & A.
N.B.I.G.
D.C.
D.P.S.T.
STAFF
CART.
ACTION

September 14, 1995

Mr. V. J. Abraham, MCIP
Director of Planning
Planning and Development Department
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Abraham:

RE: Zoning Application 95-17, 914 Upper James, Hamilton

The above zoning application has been reviewed by the Ministry of Environment and Energy.

I understand that the applicant is proposing to construct 7 residential townhousing units on existing vacant lands that front on to Caledon Street. The applicant also owns the property located to the west of the vacant lands. This property fronts on to Upper James Street, the street address being 914 Upper James Street, and operates as a retail gas outlet and a building used to accommodate a ten bay car wash. These establishments are to continue to operate on this property.

With regards to the vacant lands, there is a twenty feet set back between the back of the car wash building and the lot line of the proposed townhousing development. The applicant has indicated that the distance between the back of the proposed structure of the townhousing units and the set-back is approximately 70 feet.

An environmental assessment was undertaken in the area of the retail gas outlet. The results of the investigation at the time indicated that soil remediation was not required as the site was to continue as a gas outlet, and the degree of contamination did not necessitate a clean-up.

The groundwater flow was reported to be in a northerly direction.

APPENDIX B

Therefore, based on the above information and the fact that the area of excavation for the townhouse development is approximately 90 to 100 feet west of the car wash building, and the proposal is separated from the gas outlet by the car wash car wash building, we have no objection to the zoning change to allow the construction of the townhousing units.

However, if contaminated soil should be encountered during the excavation for the townhouse units the soil must be removed by a certified hauler to an approved waste disposal site.

If you have any questions, please call me at (905) 521-7643.

Yours truly,

Gord Takaki
Environmental Planner
Environmental Approvals and Plan Review
West Central Region

GT/md

GT-14

URBAN/MUNICIPAL
CA4 ONHBL A05
C 51 P4 1995

6.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 October 4th
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the Meeting Held 1995 September 20

B. BUILDING COMMISSIONER

Hamilton Emergency Loan Program (H.E.L.P.)
11 Aldridge Street

C. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

St. Clair Boulevard Heritage Conservation District Advisory Committee - Appointment of Members

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

1995 September 20
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committe met.

There were present:	Alderman Don Drury, Chairperson Alderman D'Amico, Vice-Chairperson Alderman McCulloch Alderman Copps Alderman Eisenberger Alderman Caplan Alderman Charters Alderman Merling
Regrets:	Mayor Morrow (City Business)
Also present:	Paul Mallard, Planning Department Mary Lou Tanner, Planning Department Steve Robichaud, Planning Department Bill Janssen, Planning Department Nina Chapple, Planning Department Art Zuidema, Law Department Eugene Chajka, Transportation and Environmental Services Roland Karl, Traffic Department Hazel Milsome, Public Works Department Mike Watson, Property Department John Gamble, Building Department Willy Wong, Building Department Tina Agnello, Secretary

A G E N D A

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. **Zoning Application 95-18, by Elite Realty Corporation, prospective owner, for a change in zoning from "D" district to "HH" District, modified, and an amendment to the City of Hamilton Official Plan, for lands located at 775 and 779 Upper Wentworth Street. This item was tabled to the meeting of 1995 October 4 due to to the fact that it has been re-circularized.**

   Submission - Anne Chapman, 354 Mohawk Road East, Hamilton

   This matter was tabled to the next regular meeting of the Planning and Development Committee as a result of a recirculariza tion.

2. **Zoning Application 95-22, by 712169 Ontario Limited (Gino Malatesta), owner, for a change in zoning from "C" District to "RT-20" District for property located at 1232 Upper Gage Avenue.**

   Submissions were received from the following people:

   (a) Teresa Gerenese 32-300 Rexford Drive, Hamilton
   (b) J. Clarke of A.J. Clarke and Associates, Suite 125-155 James Street S., Hamilton
   (c) Bev and Walt Davies, 308 Rexford Drive, Hamilton
   (d) Mr. & Mrs. C. Falletta, 310 Rexford Drive, Hamilton

Paul Mallard explained that the application is a request for the development of ten townhouse units in addition to three single family lots. He added that the Land Division Committee has approved the Severance for the three single lots. Mr. Mallard explained that the application conflicts with the approved neighbourhood plan. It is also premature with regard to the development of lands to the south and also he stated that it may encourage similar applications. Based on this, the Planning Department recommends denial. Of 233 Notices circulated, three responses were in favour and twenty-one were opposed.

Nick DiFillipis was present on behalf of the Agent and explained that there are three lots on Rexford which meet the requirements for single family. There is a trapazoidel lot which the Applicant would like to see attached to the townhouse development. He stated that the Applicant is willing to sit down with staff to come up with a compromise for development on this property. He suggested that the Applicant be permitted to proceed with the development of the three single family lots and perhaps a holding zone be placed on the rear of the property.

Mrs. Avies of 308 Rexford Drive, who is the adjoining property owner, was present. She stated that when she purchased the property she was told that there would be no townhouses in the area, therefore she was not pleased with the fact that there is presently one house on the lot and the Applicant would like to place thirteen residences on the lot.

Kevin Brown of 328 Rexford Drive, stated that this would add to their traffic problems. He also asked if the townhouses were geared to income to which Mr. DiFillipis replied that there are not presently. Mr. Brown also added that the townhouses would devalue the property and the existence of the townhouses would create extra garbage.

Alderman Merling stated that there are almost five hundred townhouses between the proposed Mountain freeway alignment and Rexford Drive. He said that the traffic volume is already very high and the area should not be saturated any further with townhouses.

In response to a question from Alderman Copps, Mr. DiFillipis explained that the total landscaping for the property would be approximately 40%. Alderman Copps felt that the over use of the lot would create a burden on, not only the hard surfaces, but soft surfaces, such as education.

As recommended in the report from the the Director of Planning and Development dated 1995 September 11, the Committee recommended to Council as follows:

> That Zoning Application ZAC-95-22, 712169 Ontario Limited (G. Malatesta), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District, to permit development for townhouse dwellings, for lands located at No. 1232 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", be denied on the following basis:
>
> (a) The application conflicts with the Approved Randall Neighbourhood Plan, which designates the rear portion of the lands "SINGLE AND DOUBLE RESIDENTIAL"; and,
>
> (b) Approval of the application is premature pending consolidation of the subject lands with the adjoining lands to the south (No. 1238 Upper Gage Avenue and the front portion of No. 1244 Upper Gage Avenue)

in order that these lands can be developed on a comprehensive basis; and,

(c) Approval of this application may encourage other similar applications (ie. for the front portion of 1244 Upper Gage Avenue), which if approved, would undermine the intent of the Neighbourhood Plan.

3. **Zoning Application 95-11, by 1104729 Ontario Limited (Alan Goulding), owner, for changes in zoning for lands located at the rear of 141 Queenston Road, from "AA" to "R-4", "AA" to "H"**

Terrence Morrison, Consultant, was present on behalf of the applicant.

Paul Mallard advised that the applicant proposes to establish six single family dwellings, a repair garage and a car wash on the property. The proponent has previously submitted three applications for high rises. This proposal is consistent with the Official Plan and the Planning Department therefore recommends approval subject to six metre landscape strip and acoustical barriers. He suggested that the lands be placed in holding provision subject to servicing conditions and easements.

As recommended by the Director of Local Planning in a report dated 1995 September 12, the Committee recommended to Council as follows:

That approval be given to amended Zoning Application 95-11, 1104729 Ontario Ltd., (Alan Goulding), owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Residential, etc.) District for Block "1", from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District, modified for Block "2", and from "G-3" (Public Parking Lots) District, modified to "H" (Community Shopping and Commercial, etc.) District, modified for Block "3" for the property located at the rear of No. 141 Queenston Road, shown on the attached map marked as APPENDIX "B", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until the applicant has entered into satisfactory servicing arrangements, agreements and/or easements for municipal storm and sanitary sewers, and water services with the Region to the satisfaction of the Roads and Environmental Services Department of the for Blocks "1", "2" & "3" of subject lands; and,

(b) Removal of the holding restriction shall be conditional upon the Roads and Environmental Services Department advising in writing that the applicant has arranged satisfactory servicing and entered into the appropriate agreements, and any required works for Block "1", "2" & "3". City Council may remove the 'H' symbol, and thereby give effect to the "R-4" & "H" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Residential, etc.) District; and,

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District; and,

(iii) That Block "3" be rezoned from "G-3" (Public Parking Lots) District, modified to "H" (Community Shopping and Commercial, etc.) District; and,

(iv) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "2" and "3", be modified to include the following variances as special provisions:

1. That notwithstanding Section 14. of Zoning By-law No. 6593, only an auto repair garage except paint and autobody repair and a manual carwash consisting of eight (8) bays, shall be permitted; and,

2. Notwithstanding Section 14.(1)(xvi) of Zoning By-law No. 6593, only one (1) business identification sign that is a wall sign and having vertical dimension of not more than O.6 metres, and area of not more than 5.6 square metres shall be permitted; and,

3. No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination; and,

4. That a landscape area not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire northerly boundary of Block "2", where the lot adjoins a residential district; and,

5. That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1347, and the subject lands on Zoning District Map E-123 & E-124 be notated S-1347; and,

6. That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123 & 124 for presentation to City Council;

7. That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

That Site Plan Control By-Law No. 79-275 as amended by By-Law No. 87-223 be amended by adding Blocks 2 and 3 to Schedule "A".

4. REFERRAL FROM CITY COUNCIL

Proposed Plan of Subdivision "Nash Acres", SAC-91-01, Owen Jackson et al, owners for lands at the end of Derek Drive South end of King Street East

A submission was received from Nick Zervose of 7 Derek Drive.

Paul Mallard advised that the application is for thirteen (13) lots in the northernly extension of Derek Drive. The applications for Zoning and Official Plan Amendment has not been made. This application conflicts with Zoning, the Official Plan and the Regional Official Plan. Paul Mallard also stated that the Regional Environmental Impact Group recommends denial because it is located in an Environmentally Sensitive Area (ESA) of Lower King's Forest. There is also dissatisfaction with the road alignments on the Plans submitted therefore the Planning Department recommends denial.

The applicant was present and Peter Ashenhurst, Agent, was also present.

Mr. Ashenhurst stated that the subject property was one of the first developments in this area and that the applicant has carried out an ecological survey which stated that there were no environmental concerns in this area. He stated that at a meeting of the Regional Environmental Impact Group, it was determined that the development would have minimal impact on the area. Mr. Ashenhurst also continued by stating that all senior ecological authorities such as the Ministry of the Environment have approved the development. He stated that this land is only 1/2000th of the ESA lands in the area.

Mr. Jackson, the owner, stated that the family has owned the land for 200 years and as such, has paid taxes on this land for many years. The property is sometimes used for beer parties and he would like to put the property to better use in order to develop a premium quality subdivision. He said that over the years many changes have been made to the plans in order to meet the concerns of surrounding residents and agencies.

Sergio Manchia was present on behalf of a resident located at 52 Derek Drive. He stated that he is in favour of the staff report and continued by stating that individuals in the area purchased lots with the belief that they would be in a court. Environmental concerns in addition to traffic concerns should be noted and this development should not be permitted. He stated that the individuals who purchased property in this area were charged premiums to live in an area which is environmentally sensitive. An alternative to this development is to give it access to King Street.

Mike Mahalovich, husband of the owner of 6 Derek Drive, Lot 48, was present. He stated that they purchased their property in December of 1987 and at that time were told that there would be future development in terms of an extension of Derek Drive. He stated that the residents have always been concerned that Derek Drive would be connected with King Street. His wife's property is built with the frontage on what would be, in the future, the extension of Derek Drive.

Mr. Romelli, a property owner in the area was also present and supported the application.

Mr. Mahalovich added that the proposal is in keeping with what was proposed several years ago and that the neighbours are aware of it. He stated that should the proposal not be permitted, it would not be fair to those people who purchased their property based on the extension of Derek Drive.

Carmen Frisina of 15 Derek Drive, Lot 53 was present. He stated that when they purchased the home they were told that a court would be created, and as such they paid premium fees to be located on a ravine. He is in support of the Planning Department's recommendation.

Mr. Jackson stated that in 1985 two Lots were sold to himself at a regular price in exchange for the promise to sell a 66 ft. extension.

Mr. Ashenhurst added that there is not intention to connect their Drive to King Street since the grade the land would not allow it.

Mr. Jackson also stated that to the east of the subdivision there is a property with hardwood bush that the owner would like to have protected and as such they would like the hardwood bush changed for city lands required for the development.

Alderman Eisenberger was concerned that all senior environmental agencies did not grant their approvals since they have attached a great deal of conditions.

As recommended by the Director of Planning and Development in a report dated 1995 August 25, the Committee recommended to Council as follows:

(a) That application SAC-91-01 (Regional File No. 25T-91002(R)), Owen Jackson et. al., owner, to establish a draft plan of subdivision "Nash Acres", for lands located at the northerly end of Derek Court, south of King Street East, as shown on the attached map marked as APPENDIX "C", be DENIED for the following reasons:

(i) The proposal conflicts with the general intent of the City of Hamilton Official Plan; and,

(ii) The proposal conflicts with the general intent of the Hamilton-Wentworth Official Plan; and,

(iii) The proposal conflicts with the general intent of the approved Gershome Neighbourhood Plan; and,

(iv) The proposal does not comply with the City of Hamilton Zoning By-law No. 6593; and,

(v) The proposal is considered to be premature pending the applicant demonstrating the suitability of the subject lands for development; and,

(vi) The subject lands are located in the Red Hill Creek - King's Forest Environmentally Sensitive Area. In this regard, the proposal would negatively affect the ESA.

(b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

5. CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PLANNING

(a) Proposed Plan of Subdivision, Parkside Courts SAR-95-09 (Regional File 25T-95001 by the owner Shedaco Holdings Limited (R. Shelley) for lands located at at Part Lots 1 and 2, Concession 1 (Glanford).

Steve Robichaud advised that the Draft Plan of Subdivision for 22 Lots is being recommended by the Planning Department subject to two conditions:

(a) That the proposed Plan of Subdivision be redlined as per the recommendation of the Roads Department; and,

(b) That the proposed Plan be redlined to revise Lot 22 to 21 and Lot 21 to Block 22.

Alderman Charters felt that the redline revisions would take a useable Lot and make it unuseable and this would be unfair to the subdivider.

Mr. Robichaud advised that this is necessary in case the property sold to the third party who is not responsible meeting conditions.

Mary Clark of A. J. Clark and Associates was present representing Shedaco Holdings. She felt that the redlining of Lot 21 to a Block would give an unfair advantage to the owners to the west.

Following discussion, the Committee agreed to recommend to Council the following recommendation which was amended to delete the redline reversion for Block 22:

(a) That approval be given to application SAR-95-09 (Regional File No. 25T-95001), Shedaco Holdings Limited, owner, to establish a draft plan of subdivision "Parkside Courts", on lands located south of Rymal Road West and east of Upper Paradise Road in the Carpenter Neighbourhood, as shown on the attached map marked as APPENDIX "D" subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clark and Associates Ltd. and certified by B.J. Clark, O.L.S., dated January 27, 1995, showing 22 lots for single detached dwellings, 6 blocks for future residential purposes and 1 block for future development with adjacent lands for parkland, as shown on the attached map marked as APPENDIX "E"; and,

(ii) That the Owner acquire all necessary lands to establish Street "A" to its full 20.0m width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision; and,

(iii) That Blocks 23 to 28 inclusive, on the red-line revised plan, must be developed in conjunction with adjacent lands; and,

(iv) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(v) That the Owner convey Block 29 to the City of Hamilton by deed for Park/Open Space purposes and that the value of Block 29 be credited towards the cash payment required in lieu of the conveyance of 5% of the land for parkland included in the plan; and,

(vi) That the Owner, at the time of services installation on Street "A", provide water, sanitary and storm sewers and hydro electric services to the property line at Block 29; and,

(vii) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,

(viii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(ix) That the owner prepare and submit, to the satisfaction of the City of Hamilton, a municipal street numbering plan; and,

(x) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(xi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,

(xii) That the proposed plan of subdivision not be registered until the applicant has applied for the removal of the holding provision on the subject lands from the zoning by-law; and,

(xiii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(xiv) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95001), Shedaco Holdings Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

*Alderman Copps opposed.

(b) <u>Delegated Authority for Consents</u>

A submission was received from the Office of the Clerk of the Regional Municipality of Hamilton-Wentworth regarding a submission from the Hamilton District Home Builders Association's comments on Delegated Authority for

Consents dated 1995 August 1 as recommended by the Director of Planning and Building Commissioner and Chief Administrative Officer in a report dated 1995 September 11. The Committee recommended to Council as follows:

(a) That City Council request Regional Council to delegate the authority for consents to the City of Hamilton.

(b) That upon delegation of authority for consent from Regional Council, City Council delegate, by by-law, the authority to the Committee of Adjustment.

(c) That the Building Department be responsible for the processing and administration of applications for consent. The Planning Department will be responsible for providing cartographic support services to the Building Department on a cost-for-service basis where required.

(d) That the City Clerk notify the Regional Clerk and the Regional Commissioner of Planning and Development of Council's decision.

6. **CITY SOLICITOR**

Expropriation of 66 and 68 King Street East - Victoria Hall and The MacKay Building

Alderman Charters felt that we should not try to negotiate a purchase and at the same time attempt expropriation.

Art Zuidema stated that it is possible that an attempt can be made to claim damages if the expropriation process is commenced.

Alderman McCulloch stated that there is no commitment at this time to purchase and that the owner is asking for too much money since the Appraisers have indicated that the property is worth less money.

Alderman Charters suggested that if an expropriation process is to be commenced, that approval for funds should be forthcoming from the Finance and Administration Committee. He stated that he has knowledge that the agent is upset about the expropriation process being started.

The Committee moved in camera to discuss property matters and reconvened immediately thereafter with no report.

In response to a question to Alderman Eisenberger, Art Zuidema stated that we can start the expropriation process while at the same time negotiating to purchase the property.

As recommended by the City Solicitor in a report dated 1995 September 11, the Committee recommended to Council as follows:

(a) That pursuant to section 38 of the Ontario Heritage Act, the owner of 66 and 68 King Street East (Victoria Hall and The MacKay Building) be notified that the City requires an inspection of the interior of the property by its Building Commissioner or his designate to assist the City in determining the action the City may pursue to provide for preservation of the property's value as a property of historic and architectural significance; and,

(b) That, in accordance with section 36(2) of the Ontario Heritage Act and sec.28(3) of the Planning Act, in order to expropriate the property known municipally as 66 and 68 King Street East (Parts 1 & 2, Ref Plan 62R-7339), to provide for the community improvement and preservation of this streetscape and its historical aspects, the City Clerk be authorized and directed to:

(i) give Notice of the City's application to all owners, registered owners and tenants (as defined in the Expropriations Act) of the said lands; and,

(ii) advertise Notice of the City's application in a newspaper as required by the Expropriations Act; and,

(iii) sign and receive the said application for approval of the expropriation.

*Aldermen Merling and Charters opposed.

7. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the meeting held 1995 August 23 were circulated.

B. BUILDING COMMISSIONER

(i) Hamilton Emergency Loan Program, 85 Gibson Avenue

As recommended in a report dated 1995 August 21, the Committee recommended to Council as follows:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and eighty-two dollars ($1,982.) be approved for Bibi Ahad, 85 Gibson Avenue. The interest rate will be 8 per cent amortized over 5 years.

(ii) Commercial Loan Program, 399 Barton Street East

As recommended in a report dated 1995 August 21, the Committee recommended to Council as follows:

(a) That a Commercial Loan in the amount of twelve thousand, nine hundred and ninety ($12,990.) to Angela Agostino for improvements to 399 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/8 per cent, amortized over 10 years; and,

(b) That a grant from the Barton Street Revitalization Fund in the amount of six thousand, four hundred and ninety-five ($6,495.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program; and,

(c) That the grants to business land owners referred to above be subject to the following conditions being fulfilled:

(i) Preparation and enactment of a By-law in a form satisfactory to the City Solicitor to amend By-law 88-12, being the By-law to adopt "The Barton General Community Improvement Plan" in order that the Plan may include the revised Barton Street Revitalization Program adopted by Council on 1995 March 28, (Item 2, 10th Report, Planning and Development Committee), including the following points:

1. Grants to business land owners who have Commercial Loans from the city for a sum of up to 1/2 of the outstanding loan principal of a loan made for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan; and,

2. Grants to business land owners who intend to rehabilitate their lands and buildings in conformity with the Community Improvement Plan to cover the costs of building permit fees, Committee of Adjustment applications, Property Compliance Reports due to the City; and,

3. Grants to business land owners to cover all or a portion of the cost of decorative murals to be erected on their lands to rehabilitate these lands and buildings in conformity with the Community Improvement Plan.

(iii) <u>Commercial Loan Program, 397 Barton Street East</u>

As recommended in a report dated 1995 September 7, the Committee recommended to Council as follows:

(a) That a Commercial Loan in the amount of eleven thousand, four hundred and thirty-two dollars ($11,432.) to Sang-Kuen Jun and Wae-Sook Jun for improvements to 397 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set a 4 1/8 per cent, amortized over 10 years; and,

(b) That a grant from the Barton Street Revitalization Fund in the amount of five thousand, seven hundred and sixteen dollars ($5,716.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program; and,

(c) That the grants to business land owners referred to above be subject to the following conditions being fulfilled:

(i) Preparation and enactment of a By-law in a form satisfactory to the City Solicitor to amend By-law 88-12, being the By-law to adopt "The Barton General Community Improvement Plan" in order that the Plan may include the revised Barton Street Revitalization Program adopted by Council on 1995 March 28, (Item 2, 10th Report, Planning and Development Committee), including the following points:

1. Grants to business land owners who have Commercial Loans from the City for a sum of up to one half of the outstanding loan principal of a loan made for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan; and,

2. Grants to business land owners who intend to rehabilitate their lands and buildings in conformity with the Community Improvement Plan to cover the costs of building permit fees, Committee of Adjustment applications, Property Compliance Reports due to the City; and,

3. Grants to business land owners to cover all or a portion of the cost of decorative murals to be erected on their lands to rehabilitate these lands and buildings in conformity with the Community Improvement Plan.

(iv) **Hamilton Emergency Program, 251 Bay Street North**

As recommended in a report dated 1995 September 7, the Committee recommended to Council as follows:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of eight hundred and nineteen dollars ($819.) be approved for Mr. and Mrs. Franco, 251 Bay Street North, Hamilton. The interest rate will be 8 per cent amortized over five (5) years.

(v) **Demolition Permit - Colquhoun Crescent**

As recommended in a report dated 1995 August 31, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 39 Colquhoun Crescent in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

C. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Barton Street Revitalization - Redevelopment of West Avenue School Courtyard

As recommended in a report dated 1995 September 13, the Committee recommended to Council as follows:

That the concept plan for the redevelopment of the West Avenue School Court Yard (attached as APPENDIX "F") be approved for implementation under the Barton Street Revitalization Program at an estimated cost of $75,000.

D. DIRECTOR OF PLANNING

Revision to Rental Housing Protection Act Processing Procedure

As recommended in a report dated 1995 September 12, the Committee recommended to Council as follows:

(a) That each applicant under the Rental Housing Protection Act be required to submit a statutory declaration to confirm service of the required "Form 1" notice; and,

(b) That the Planning and Development Department be authorized to hold a tenants' meeting with the affected tenants concerning an application under the Rental Housing Protection Act; and,

(c) That the Planning and Development Department be authorized to provide option sheets to tenants for those applications approved by Council and that the related costs be reviewed for inclusion in the updated fee schedule for planning applications.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Item

The Committee was in receipt of a report dated 1995 September 13 and approved the following:

> That the following Information Item which has been previously forwarded to the members of the Committee under separate cover be received for information purposes:
>
> Site Plans for approval from the Planning Department.

8. PRIVATE AND CONFIDENTIAL AGENDA

The Committee moved into closed session to discuss property matters and reconvened immediately thereafter with the following reports:

AA. Zoning Verifications for License Applications

The Committee requested the Building and Law Departments to prepare a report on Zoning Verifications for fast food outlets for the next regular meeting of the Planning and Development Committee.

BB. BUILDING COMMISSIONER

Commercial Loan Program - Registration of Loan on Tax Rolls, 245 King William Street

As recommended in a report dated 1995 August 28, the Committee recommended to Council as follows:

> That the total outstanding Commercial Loan for I, Margaret Higgins, 245 King William Street, Hamilton, in the amount of twenty five thousand, four hundred and seventy dollars and four cents (25,470.04) be placed on the tax rolls.

CC. SENIOR DIRECTOR, ROADS DEPARTMENT

Trenholme Survey Subdivision Agreement - Lot Grading

The Committee recommended to Council the report of the Senior Director of the Roads Department dated 1995 September 18 as amended to add Section D as follows:

(a) That the owners of Lot 52, Mr. and Mrs. E. Atamanchuk, through their solicitor, on a with out prejudice basis, be given until 1995 October 17, to accept the proposal for remedial grading works outlined in APPENDIX "G"; and,

(b) That provided the owners of Lot 52, Mr. and Mrs. Atamanchuk accept the proposal set out in APPENDIX "G" by 1995 October 17:

  (i) the City use the security posted by the subdivider to complete remedial grading works on Lots 37, 52 and 55 in Trenholme Survey, as outlined in Appendix "G"; and,

  (ii) the City relocate the catch basin on Lot 52 from its present location to the south east corner of the back yard at an estimated cost of $1,500.00; and,

(iii) the Treasury Department be requested to identify a source of funding for the relocation of the catch basin in (ii) above; and,

(c) That in the event the owners of Lot 52, Mr. and Mrs. E. Atamanchuk do not accept the proposal set out in APPENDIX "G" prior to 1995 October 17, the City proceed with the proposal set out in APPENDIX "H"; and,

(d) That the security deposit for this subdivision be released by 1995 December 31.

9. ADDED REPORTS

As recommended by the Building Commissioner and various reports dated 1995 September 18, the Committee recommended to Council as follows:

(a) **Green Cedar Drive and Firenze Street Retaining Wall, Hamilton Rehabilitation Loan Program, 67 Firenze Street:**

That a Hamilton Rehabilitation Program Loan in the amount of ten thousand and twelve dollars ($10,012.) be approved for Parres Anthony and Dianne Gail Kempa, 67 Firenza Street. The interest rate will be 3 per cent for five (5) years and at the prime rate or less for the remaining term of the loan (being 10 years).

(b) **Green Cedar Drive and Firenze Street Retaining Wall, Hamilton Rehabilitation Program, 75 Firenze Street:**

That a Hamilton Rehabilitation Program Loan in the amount of eleven thousand two hundred and thirty-seven dollars ($11,237.) be approved for Bernard Joseph and Carol Sobinski, 75 Firenze Street. The interest rate will be 3 per cent for five (5) years and at the prime rate or less for the remaining term of the loan (being 10 years).

(c) **Green Cedar Drive and Firenze Street Retaining Wall, Hamilton Rehabilitation Program, 79 Firenze Street:**

That a Hamilton Rehabilitation Program Loan in the amount of eighteen thousand two hundred and ninety-three dollars ($18,293.) be approved for Leslie and Ann Winnifred Allan, 79 Firenze Street. The interest rate will be 3 per cent for five (5) years and at the prime rate or less for the remaining term of the loan (being 10 years).

(d) **Green Cedar Drive and Firenze Street Retaining Wall, Hamilton Rehabilitation Program, 83 Firenze Street:**

That a Hamilton Rehabilitation Program Loan in the amount of fifteen thousand eight hundred and seventy-three ($15,873.) be approved for Giuseppe and Fiorina Merone, 83 Firenze Street. The interest rate will be 3 per cent for five (5) years and at the prime rate or less for the remaining term of the loan (being 10 years).

(e) **Green Cedar Drive and Firenze Street Retaining Wall, Hamilton Rehabilitation Program, 87 Firenze Street:**

That a Hamilton Rehabilitation Program Loan in the amount of ten thousand four hundred and eight-seven dollars ($10,487.) be approved for Ewert and Sybil Phillpotts, 87 Firenze Street. The interest rate will

be 3 per cent for five (5) years and at the prime rate or less for the remaining term of the loan (being 10 years).

(f) **Green Cedar Drive and Firenze Street Retaining Wall, Hamilton Rehabilitation Program, 91 Firenze Street:**

That a Hamilton Rehabilitation Program Loan in the amount of seven thousand eight hundred and seventy-one dollars ($7,871.) be approved for Paul Frederick and Leah Joan Murdock Gerics, 91 Firenze Street. The interest rate will be 3 per cent for five (5) years and at the prime rate or less for the remaining term of the loan (being 10 years).

10. **OTHER BUSINESS**

The Chairman read a letter copied to him from the District Supervisor for the Hamilton District Office of the West Central Region, Ministry of the Environment and Energy regarding impact at residences of dust from unpaved parking lots or driveways.

11. **ADJOURNMENT**

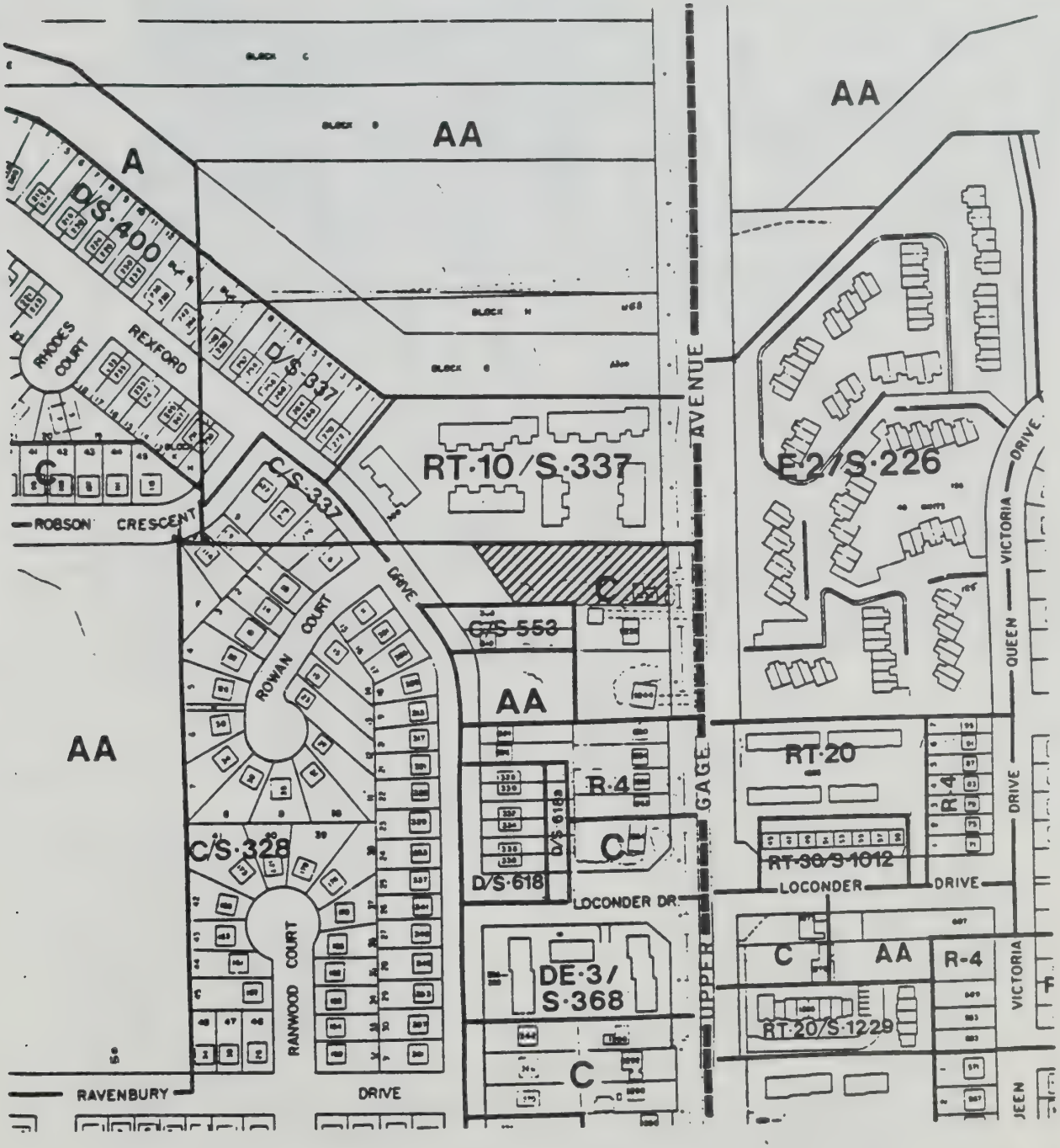
There being no further business, the Committee meeting adjourned.

Taken as read and approved

Alderman D. Drury, Chairperson
Planning and Development Committee

Tina Agnello
Secretary

Appendix "A" referred
to in Section 2 of the
Minutes of the Meeting
of The Planning and
and Development Committee
held 1995 September 20



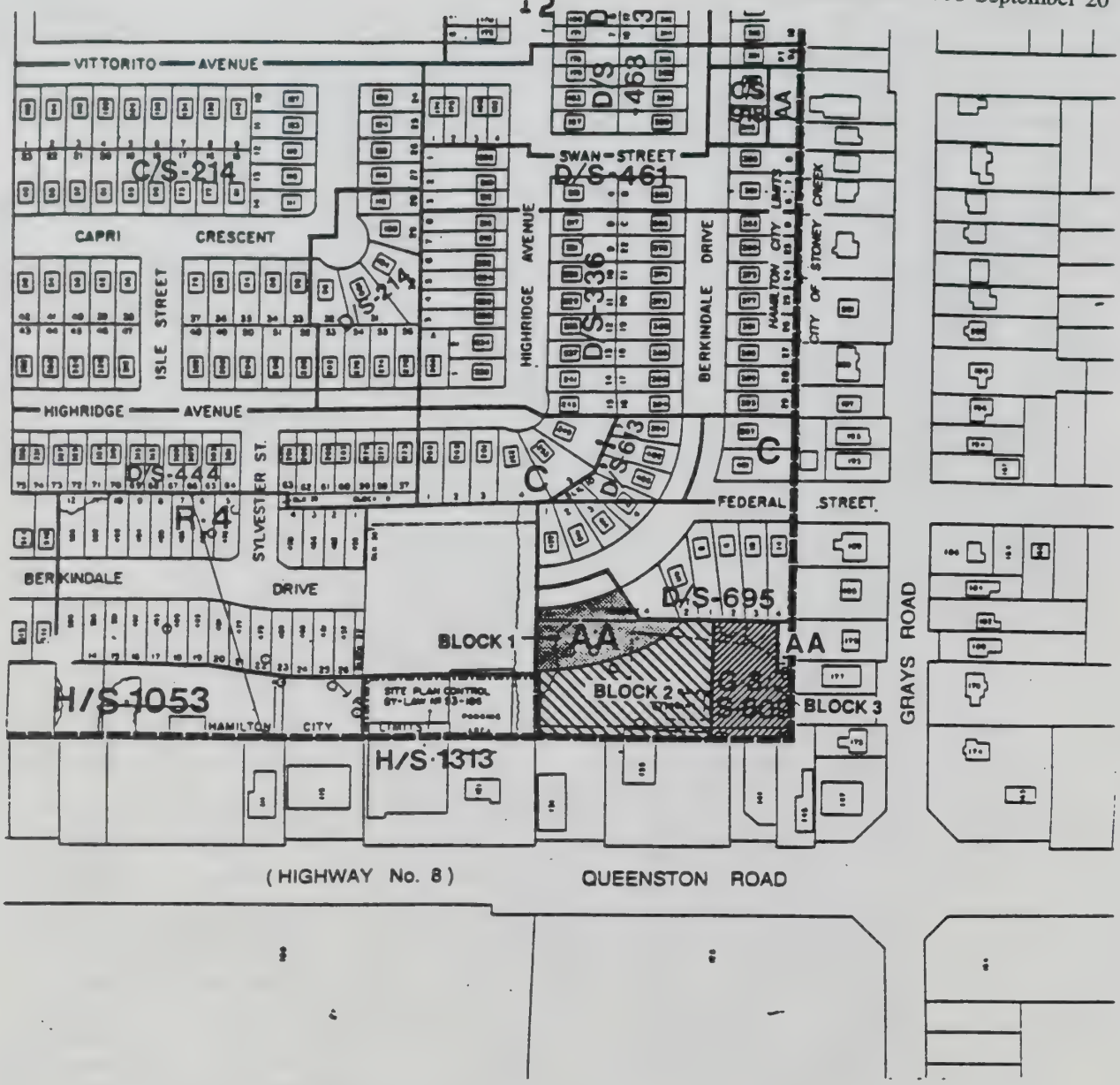
Legend

Site of the Application

ZAC-95-22

APPENDIX A

Appendix "B" referred
to in Section 3 of the
Minutes of the Meeting of
the Planning and Development
Committee held 1995 September 20



Legend

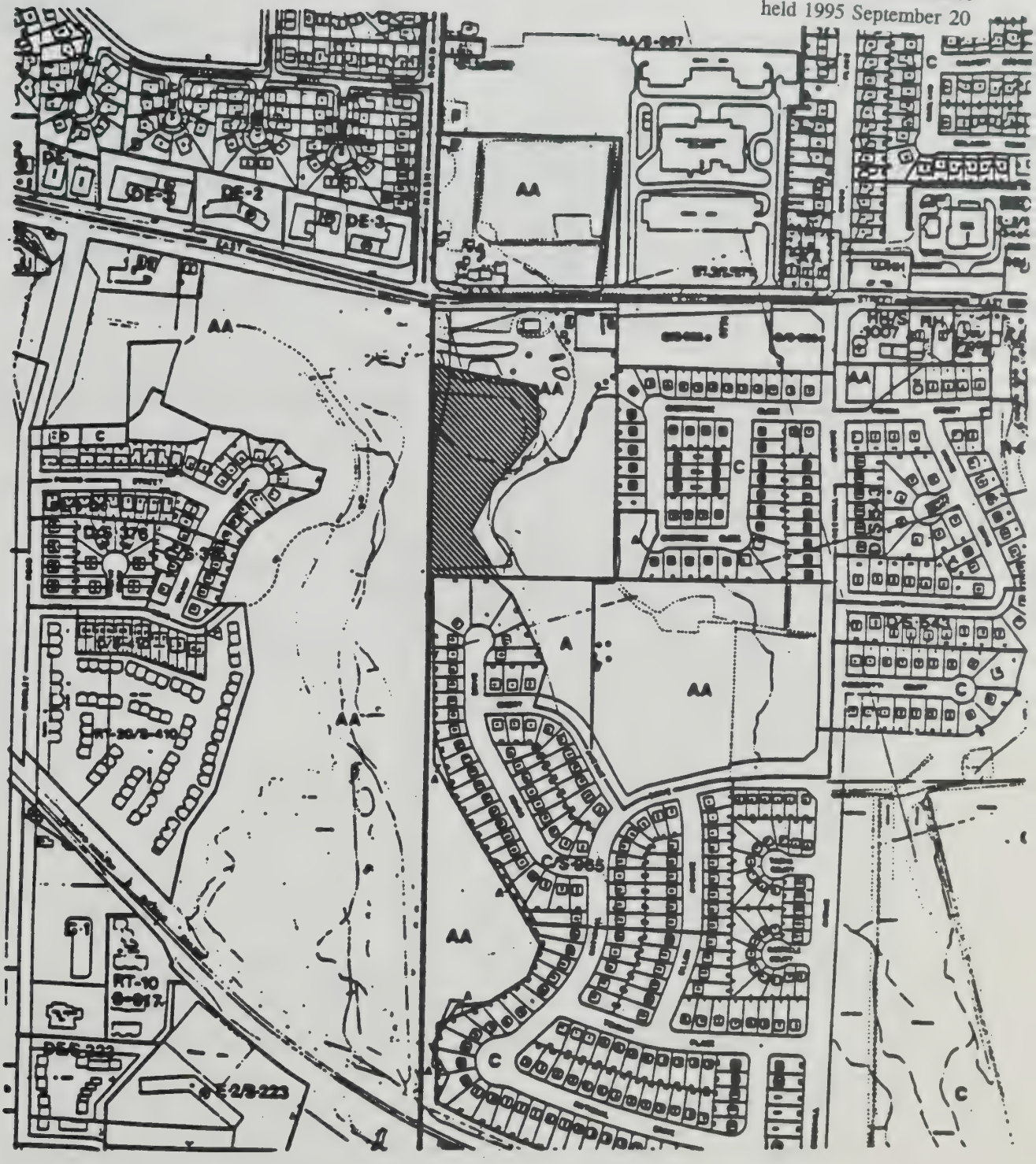
Proposed change in zoning from:

ZAC-95-11

BLOCK 1		"AA" (Agricultural) District to "R-4" (small lot single family dwelling) District
BLOCK 2		"AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District, modified.
BLOCK 3		"G-3" (Public Parking Lots) District, modified to "H" (Community Shopping and Commercial, etc.) District, modified.

APPENDIX A

Appendix "C" referred to in Section 4 of the Minutes of the Meeting of the Planning and Development Committee held 1995 September 20

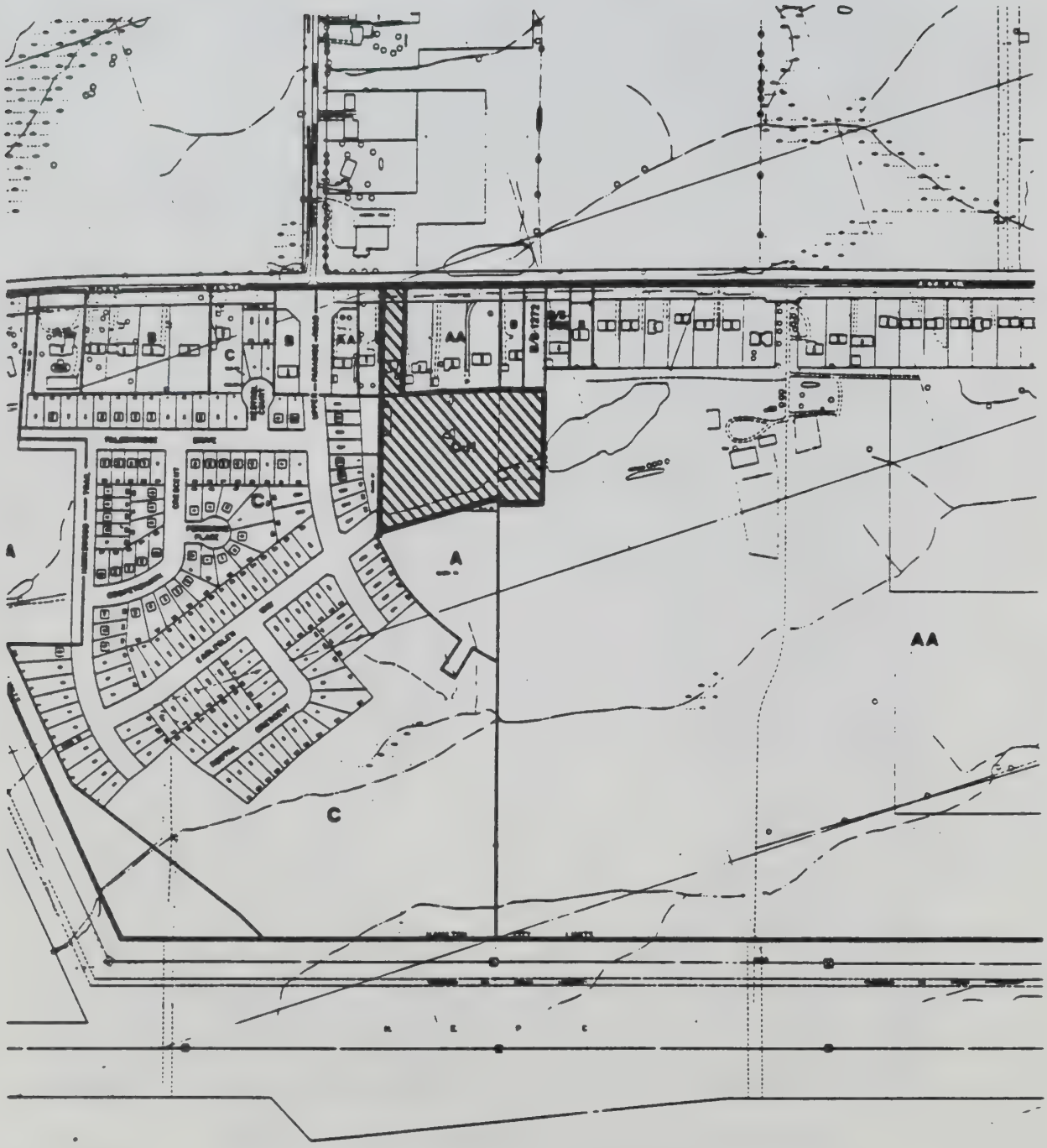


Legend

Site of the Application

BAC-91-01

Appendix "D" referred to in Section 5 of the Minutes of the Meeting of the Planning and Development Committee held 1995 September 20



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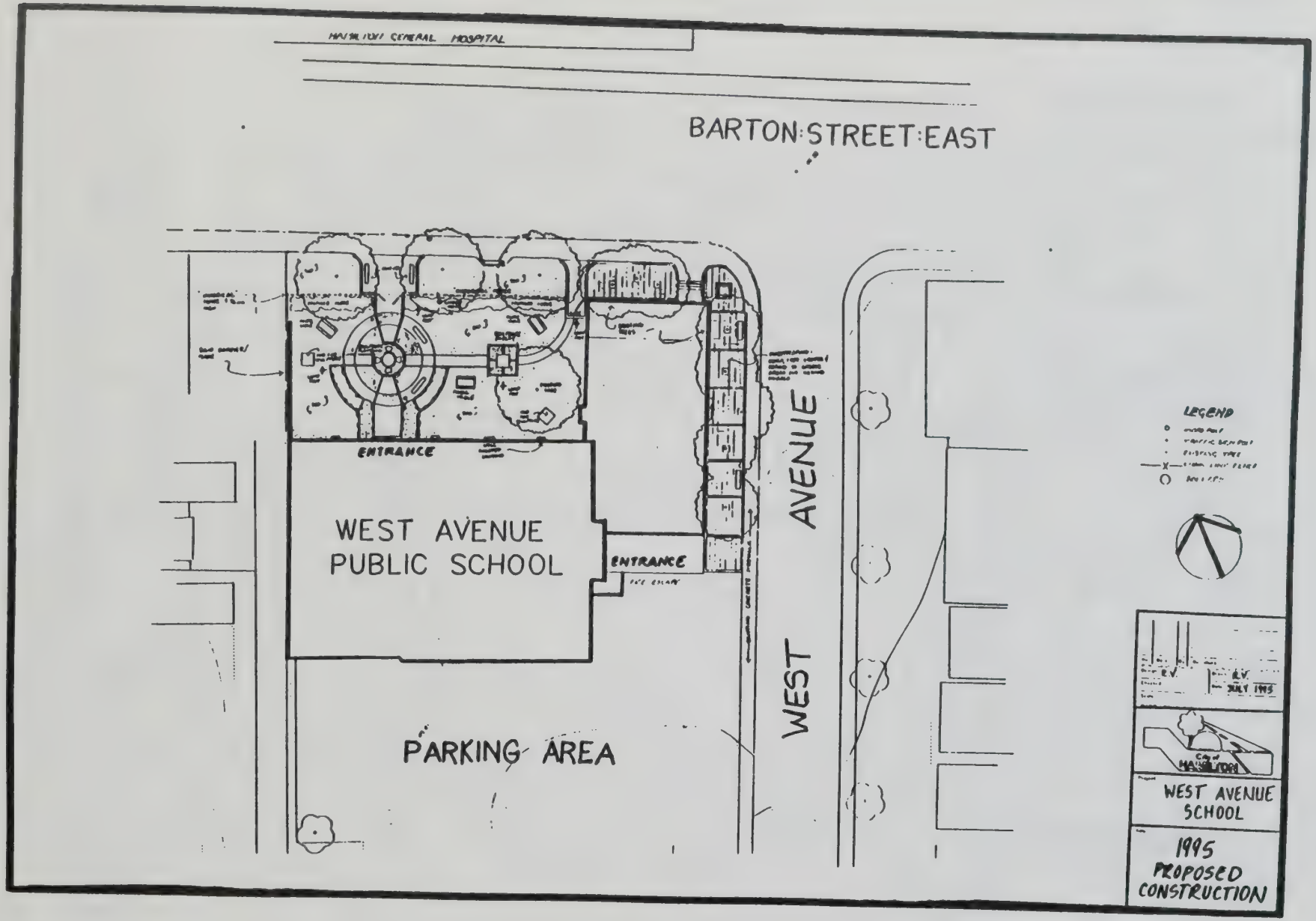
Site of the Application

SAC-95-09

APPENDIX "A"

Appendix "E" referred to in Section 5 of the Minutes of the Meeting of the Planning and Development Committee held 1995 September 2

APPENDIX A



Appendix "F" referred to in Section 7C of the Minutes of the Meeting of the Planning and Development Committee held 1995 September 20

APPENDIX "A"

Relocate the Catch Basin on Lot 52 and Construct Retaining Walls

a) The City will relocate the existing catch basin into the south east corner of the yard of lot 52, extend the catch basin lead, and fill the catch basin sump with concrete to create a sumpless catch basin at an estimated cost of $3,000.00 of which the City's share will be approximately $1,500.00.

b) The City will construct precast concrete retaining walls on lot 52, varying in height from approximately 0m to 0.75m along both the east side for an approximate length of 10m, and along the south side, for an approximate length of 5m, at the subdivider's expense of approximately $3,000.00.

c) The City will use the security posted by the subdivider to pay for the original installation cost of the catch basin on lot 52 ($9,570.62), and use the security to pay for two additional outstanding invoices.

d) The City will offer, to the owners of lots 37 and 55, to install subdrains on lots 37 and 55 and connect same into the catch basin on lot 52, to cut a swale along the north side of lot 55 adjacent to lot 52 and to then regrade and resod as required at the subdivider's expense of approximately $1,500.00.

e) The City will offer to the owner of lot 51, to connect the existing subdrain on that property into the catch basin on lot 52 at the subdivider's expense of approximately $300.00.

APPENDIX "B"

Do Nothing Approach on Lot 52

a) No work will be completed on lot 52.

b) The City will use the security posted by the subdivider to pay for the original installation cost of the catch basin on lot 52 ($9,570.62), and use the security to pay for two additional outstanding invoices.

c) The City will offer, to the owners of lots 37 and 55, to install subdrains on lots 37 and 55 which will be connected to the rainwater leaders at the rear of the corresponding houses and to then regrade and resod as required at the subdivider's expense of approximately $1,000.00.

B.

CITY OF HAMILTON

- RECOMMENDATION -

SEP 2 6 1995

DATE: 1995 September 22

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
11 Aldridge Street, (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000.) be approved for Cathleen Smith, 11 Aldridge Street, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Cathleen Smith, 11 Aldridge Street in the amount of $2,000. The roof has been repaired, and the Department recommends approval in the amount of $2,000 at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

C.

CITY OF HAMILTON

- RECOMMENDATION -

SEP 1 8 1995

DATE: 1995 September 13

REPORT TO: Tina Agnello, Secretary
Planning & Development Committee

FROM: Crystabelle Fobler, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: **St. Clair Boulevard Heritage Conservation District Advisory Committee - Appointment of Members**

RECOMMENDATION:

That the following individuals be formally appointed as members of the St. Clair Boulevard Heritage Conservation District Advisory Committee:

Chairperson:	David Beland
Vice-Chair:	Ingrid Tillinger
	Alex Polger
	David Angles
	Attilio Difiore
	Bruce Youngblud
	John Wade
LACAC Rep:	Brian Henley

Crystabelle Fobler

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

1. The above list submitted by David Beland, includes seven resident owners within the St. Clair Boulevard Heritage Conservation District, most of whom served on the steering committee established in the spring of 1989 to participate in the preparation of the District Plan. In addition, Brian Henley has volunteered to serve as the LACAC representative.

2. Once a *heritage conservation district* is legally established under the Ontario Heritage Act, it is advisable (though not required under the Act), that a *Heritage Conservation District Advisory Committee* be formed. This Advisory Committee is a sub-committee of LACAC, composed of property owners within the District and preferably also a LACAC representative. The main functions of this committee are as follows:

   - to monitor the *district plan* to ensure its effective implementation, and where applicable, initiate the recommended actions.

   - to advise LACAC on the acceptability of changes proposed within the district through the *heritage permit* process.

   - to act as a sounding board for other residents on any matters relating to the district.

The above-noted recommendation was approved by the Local Architectural Conservation Advisory Committee at its meeting of 1995 September 11.

D.

CITY OF HAMILTON

-RECOMMENDATION-

DATE: 1995 September 27

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary,
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Director of Planning and Development: Departmental Quarterly Report as at June 30, 1995, dated 1995 September 12

(b) Building Commissioner: Departmental Quarterly Report as at June 30, 1995, dated 1995 September 14

(c) Director of Planning and Development: Pedestrian Intercept Survey, dated 1995 September 25

(d) Director of Planning and Development: Approved Site Plans, dated 1995 September 25

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure followed for these matters is recorded.

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1995

URBAN MUNICIPAL

OCT 30 1995

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 October 25th
9:30 o'clock a.m.
Room 233, City Hall

S. Glover
for **Tina Agnello, Secretary**
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 94-30, 530149 Ontario Inc. (Clara IP, In Trust), owner for a modification to the established "H" District for 366 to 368 King Street West.

2. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC DEPARTMENT**

   Public Works and Traffic Department, Community Renewal,
   Parks Division - 1996-2005 Provisional Capital Budget Report

3. **DIRECTOR OF PLANNING AND DEVELOPMENT**

   Delegation of Subdivision Approval from Region to City

4. **PRIVATE AND CONFIDENTIAL AGENDA**

5. **CONSENT AGENDA**

6. **OTHER BUSINESS**

7. **ADJOURNMENT**

Ken Roberts
C.E.O. Hamilton Public Library

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
3.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
4.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
5.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
6.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
7.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculatized if application is modified
8.	Rainwater Leader Bylaw	1995 July 5	Roads and Bulding Departments	Report Forthcoming
9.	CI-95-C, 11 Arthur Street South	1995 August 23		Tabled at the Finance and Administration Committee"s request
10.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
11.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23	Tabled at the request of the applicant	

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 18
ZAC-94-30
Strathcona Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a modification in zoning - No. 366 to 368 King Street West.

RECOMMENDATION:

(a) That amended Zoning Application 94-30, 530149 Ontario Limited and Clara IP, in Trust, owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, to permit a lodging house (student residence) for 55 lodgers, for property located at 366 to 368 King Street West, shown on the attached map marked as APPENDIX "A", be **denied** for the following reasons:

i) The proposal conflicts with the intent of the Official Plan; and,

ii) The proposal represents an over intensification of land use in that it does not provide adequate off-street parking and loading facilities; and,

iii) Approval of the proposal would result in the demolition of a listed building of architectural/historical interest.

V. Abraham

J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant has applied for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, to permit a lodging house (student residence) for 55 lodgers, for property located at 366 to 368 King Street West, shown on the attached map marked as APPENDIX "A".

The applicant, Columbia International College (operated by the owners of the subject property), provides high school education to foreign students. Columbia International School has an existing student residence on the college property at 1033 Main Street West and has converted the former Journeys End Hotel, located on Catherine Street South, to a residence for 300 students. The existing on campus student residence is full and the new residence is occupied. Students that require parking are accommodated at these locations where on site parking is available.

In order to eliminate the demand for parking at the proposed King Street site the applicant intends to only accommodate students that do not require parking privileges (i.e. do not hold a valid drivers licence). Consequently, the preliminary plans for the student residence have been modified since the original submission to eliminate the six (6) parking spaces contained within the ground floor plan.

The revised preliminary plans (see Appendix "B", "C" & "D") propose a six (6) storey student residence. Floors two (2) to six (6) will contain fifty-five (55) units for fifty-five (55) lodgers. The ground floor will contain an administrative office, lobby, janitors room, garbage room, and a common dining room and kitchen. The roof top will accommodate the mechanical room and a possible roof top garden and patio. The proposed building occupies the entire length and width of the subject lands except for an area approx. 34 ft. x 25 ft. adjacent to the northerly property line (i.e. optional patio/landscape area)

- Committee of Adjustment Application 94-24

The Committee of Adjustment, at its meeting of March 30, 1994, denied an application to permit a proposed 6 storey lodging house (student residence) for 52 lodgers whereas the by-law permits 50, with 5 parking space instead of the required 26, and eliminate east and west side yard width of 3.0 m minimum. The Committee was of the opinion that the relief requested was beyond that of a minor nature.

APPLICANT:

530149 Ontario Limited and Clara IP, in Trust, owner.

LOT SIZE AND AREA:

- 13.10 m (43 ft.) of lot frontage;
- 37.18 m (122 ft.) of lot depth; and,
- 487.35 m^2 (5,246 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	2 1/2 Storey Vacant Building	"H" (Community Shopping and Commercial, etc.) District
Surrounding Lands		
to the north	Residential	"D" (Urban Protected One and Two Family Dwellings, etc.) District
to the west	Commercial	"H" (Community Shopping and Commercial, etc.) District
to the east	Institutional	"H" (Community Shopping and Commercial, etc.) District
and south	Institutional and Commercial	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated ***Commercial*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

i) Residential uses subject to the following provisions:

a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;

b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;

d) satisfy the provisions of Subsections A.2.1 and C.7."

The following policies of Subsection C.7 - Residential Environment and Housing Policy should also be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas. Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;

iv) Support RESIDENTIAL conversion of under utilized commercial space to residential which does not undermine the primary commercial use/function of the neighbourhood, subject to the provisions of Subsection A.2.2;

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

The proposal conflicts with the intent of the Official Plan in that adequate off-street parking spaces are not provided. However, if the application is approved, an Official Plan Amendment is not required.

NEIGHBOURHOOD PLAN:

The approved Strathcona Neighbourhood Plan designates the subject lands for "Commercial" uses. If approved, it is recommended that the designation remain "COMMERCIAL" to reflect the long term intended use of the subject lands.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

  - Union Gas; and,
  - Hamilton Region Conservation Authority.

- The Building Department has advised:

  "1. This is **not** "student residence", also a "student residence" is not a permitted use in the "H" District.

  2. The recognized use for the above noted property is a lodging house, with a maximum of fifty (50) lodgers. The plans propose fifty-five (55) "units" and do not specify the maximum number of proposed "lodgers" as opposed to "units".

  3. The proposed six (6) storey building does not have the minimum required setback of 3.0 m (9.84') for both side yards as required in Section 14, subsection 2(ii).

  4. The total gross floor area shall not exceed four times the lot area (as per letter dated September 14, 1995 the total gross floor area of the building is 19,987 square feet, the square frontage of the lot area is not provided, cannot determine compliance).

  5. As previously stated on letter dated April 11, 1995 under comments, the dimensions shown on the plans do not correspond to the dimensions noted on the application for lot width and lot area.

  6. The parking requirements for a lodging house is one (1) space per two (2) persons who may be lawfully accommodated as required with Zoning By-law 6593 (Section 18A). No parking is provided on the drawings submitted.

7. Demolition approval of the existing buildings by the Planning and Development Committee under the Demolition Control By-law is required and the issuance of the demolition permit.

8. Is the proposed "cafeteria and kitchen" to be used for the lodgers only, or will it be accessible to the public?

9. The "recreational space" should be clarified in respect to the use.

10. The "office" space should be clarified in respect to the use."

- The Roads Department has advised:

"1. There are public watermains and combined sewers available to service these lands.

2. As noted in our previous comments dated April 12, 1995, the designated road allowance width of this section of King Street is 26.21 m. In accordance with this designation, we previously recommended that a 6.29 m road allowance widening be dedicated to the Region as a condition of development approval. This road widening requirement on this section of King Street is presently under review and it is anticipated that the designation width of this section of King Street could be retained at the existing 20.12 m width.

   Although the road widening dedication will no longer be required, we will recommend that as a condition of development/site plan approval that all portions of the above ground and below ground structures be set back a minimum of 1.5 m from the existing road allowance limits of King Street West. This requirement must be incorporated into the amending Zoning By-law. The area between the proposed structure and the existing municipal sidewalk must be paved in concrete or paving stones at the same elevation as the existing municipal sidewalk on King Street West.

3. The site plan submitted with the application now indicates that parking and loading facilities will not be provided on the site. The proposed development will contain approximately 55 units with a cafeteria. Therefore it is reasonable that parking for the students and staff plus loading activity will occur as a result of this development approval. Without adequate facilities on the site, the loading and parking will likely occur on King Street which is Regional arterial roadway and the adjacent local streets.

   We therefore concur with the comments, dated October 2, 1995, of the Traffic Division of the City of Hamilton Department of Public Works and Traffic which review these matters on our behalf.

4. Any works which may occur within the King Street West road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law.

5. We recommend that the subject lands be developed through site plan control at which time more detailed comments on grading, landscaping, etc. will be submitted. Dependant on the outcome of this zoning approval there may be significant changes required to the site plan submitted should parking be required on site. Adequate vision triangles must be provided at the access points onto King Street etc."

The Department of Public Works and Traffic has advised:

"As previously stated in our letter of 1994 December 12, the proposed development was considered by the Committee of Adjustment under Application 94:24 and denied on the basis that the proposed use was an over intensification of the subject lands that would have a detrimental effect on the adjacent neighbourhood.

The information submitted with the application states that the changes in the plan result in the elimination of the parking facilities on site and thus avoid any technical concerns with the parking. It should be clearly understood that notwithstanding the technical concerns identified in our letter of 1995 March 15, our major concern with the proposed development has been the inadequate amount of parking and loading facilities provided.

As shown on the submitted plan, the proposed student residence includes common recreational space, exercise facilities, office and cafeteria facilities. The proposed 55 unit residence will require a number of staff to operate these facilities and will generate a significant amount of loading activity related to the movement of the residents and the operation of the cafeteria. If the proposal develops as submitted, without any parking or loading facilities, all loading activity related to the operation of the cafeteria, garbage removal and students moving in and out will be conducted on King Street.

The elimination of parking facilities will also require staff that operate the facility to park off site in the adjacent residential area.

In addition, to the previously stated concerns regarding the vehicle ownership of students, the elimination of parking facilities further supports the opinion of the Committee of Adjustment that the proposed use is an over intensification of the subject lands that will have a detrimental effect on the adjacent neighbourhood.

All of the information supplied by the applicant to justify the elimination of the provision of parking and loading assumes continuous operation of the facility by the Columbia International College. As previously stated in our letter of 1994 December 12, the subject property is completely separate from the school and there is no guarantee that the residence will always be occupied by students or owned and operated by Columbia

International College in the future.

Based on the foregoing, we recommend that the application be denied."

LACAC has advised that:

"This building is listed on the City's Inventory of Buildings of Architectural/Historical Interest. There are few remaining examples in Hamilton of this style of double stone, dating from the 1850's, and it should be retained. Rehabilitation and adaptive reuse are recommended."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan in that adequate off-street parking spaces are not provided. However, if the application is approved, an Official Plan Amendment is not required.

2. The approved Strathcona Neighbourhood Plan designates the subject lands for "COMMERCIAL" uses. If approved, it is recommended that the designation remain "COMMERCIAL" to reflect the long term intended use of the subject lands.

3. The Building Department has advised that a "student residence" is not a permitted use in the "H" District and although the applicant has called the proposal a "student residence", the recognized use of the property under the Hamilton Zoning By-law is a "lodging house". The "H" district only permits a maximum of fifty (50) lodgers whereas fifty-five (55) lodgers are proposed. Furthermore, a "lodging house" for fifty-five (55) lodgers would require twenty-eight (28) parking spaces, whereas no parking will be provided (see Appendix "B" - "Ground Floor Plan").

   The applicant has indicated that no resident will have a valid drivers licence. However, a reduction in the number of required parking spaces cannot be supported on this basis since the occupancy of the lodging house for a specific client group cannot be regulated under the zoning by-law.

   In addition, zero side yards are proposed along the east and west side of the building, whereas the proposed six (6) storey building would require a minimum setback of 3.0 m (9.84') for both side yards.

4. The Department of Pubic Works and Traffic has stated that they cannot support the proposed development without the provision of adequate parking and loading facilities on-site. Without adequate facilities on the site, the loading and parking will likely occur on King Street, which is a Regional arterial roadway, and the adjacent local streets.

It should be noted that the original site plan submitted provided six (6) substandard parking spaces (i.e. insufficient length and manoeuvring area on the site) which could not be supported.

5. The Roads Department concurs with the comments of Pubic Works and Traffic and, if approved, recommends that the site be developed through site plan control and the amending by-law require all portions of the above ground and below ground structures be setback a minimum of 1.5 m from the existing road allowance limits of King Street West.

6. Accordingly, the proposal, as submitted, cannot be supported for the following reasons:

   i) The proposal conflicts with the intent Official Plan;

   ii) The proposal represents an over intensification of land use in that it does not provide adequate off-street parking and loading facilities; and,

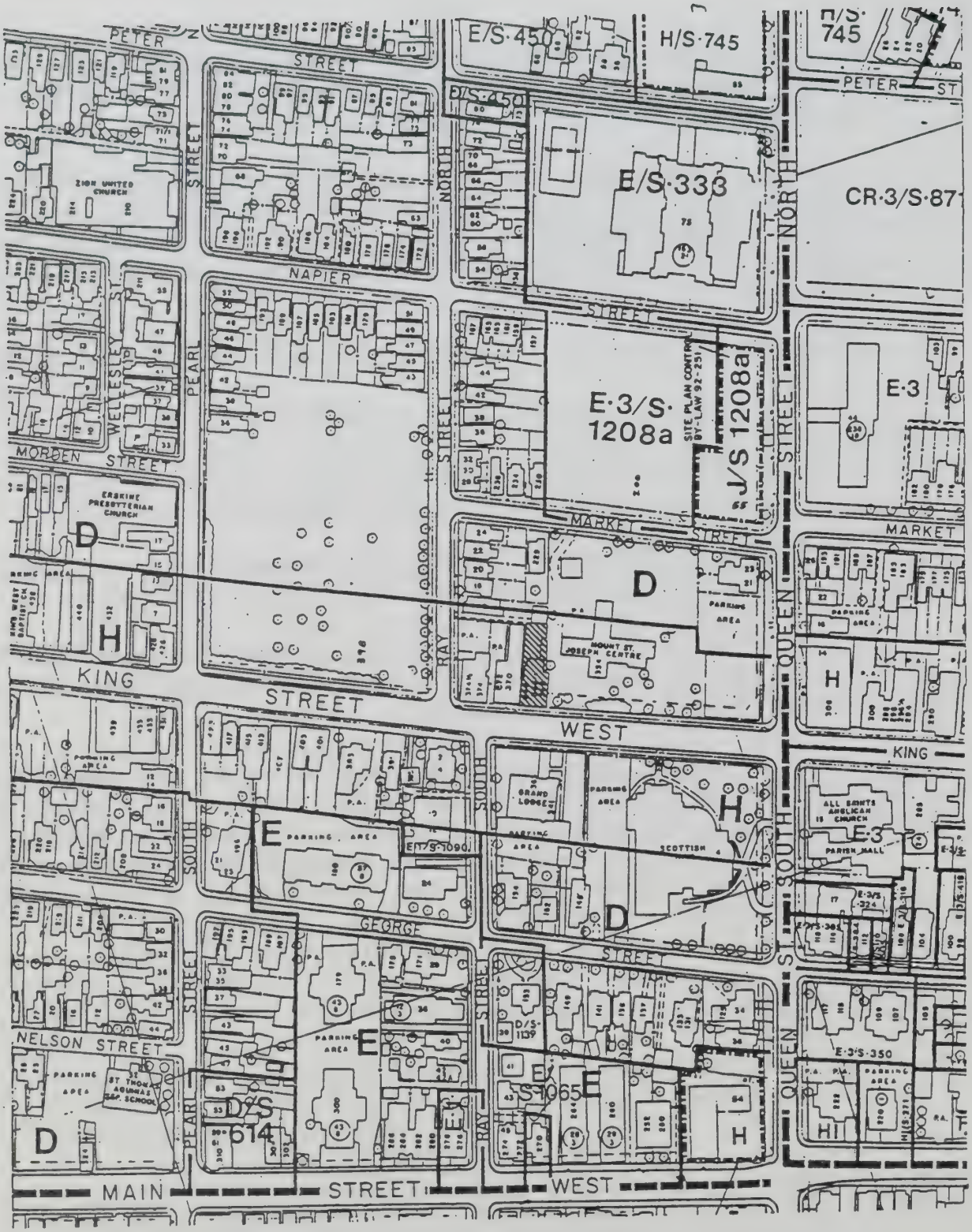
   iii) Approval of the proposal would result in the demolition of a listed building of architectural/historical interest.

   Although, the Planning Department supports student housing, it should ideally be located in the Central Business District, which would enhance the multi-use function of the Central Area.

   Furthermore, given that the existing building is listed on the City's Inventory of Buildings of Architectural/Historical Interest, and the subject lands are located on a major arterial road, and accessible to public transit, consideration could be given to adaptive reuse of the existing building for a lodging house (i.e. student residence). However, approval of the application, as submitted by the applicant, represents over intensification of land use.

CONCLUSION:

Based on the foregoing, the proposal <u>cannot</u> be supported.

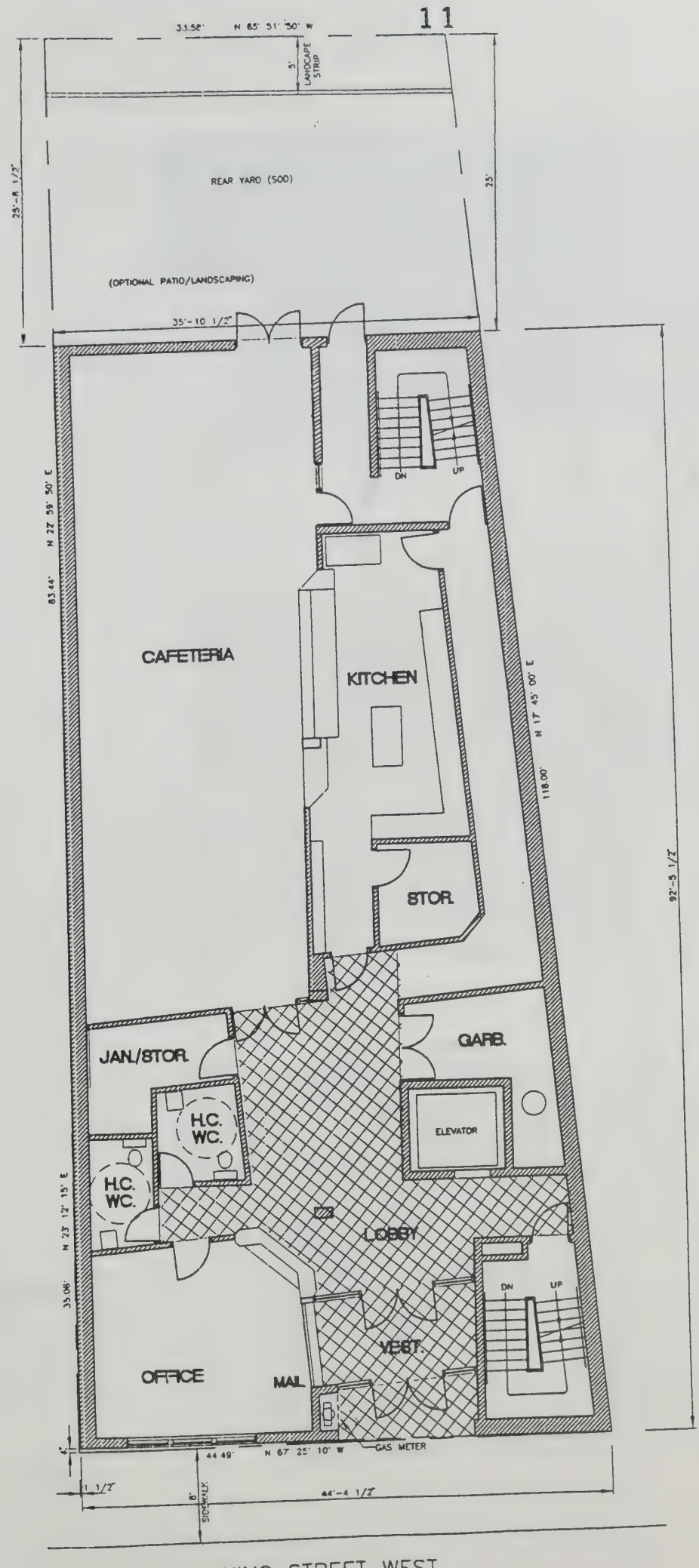


Legend

Site of the Application

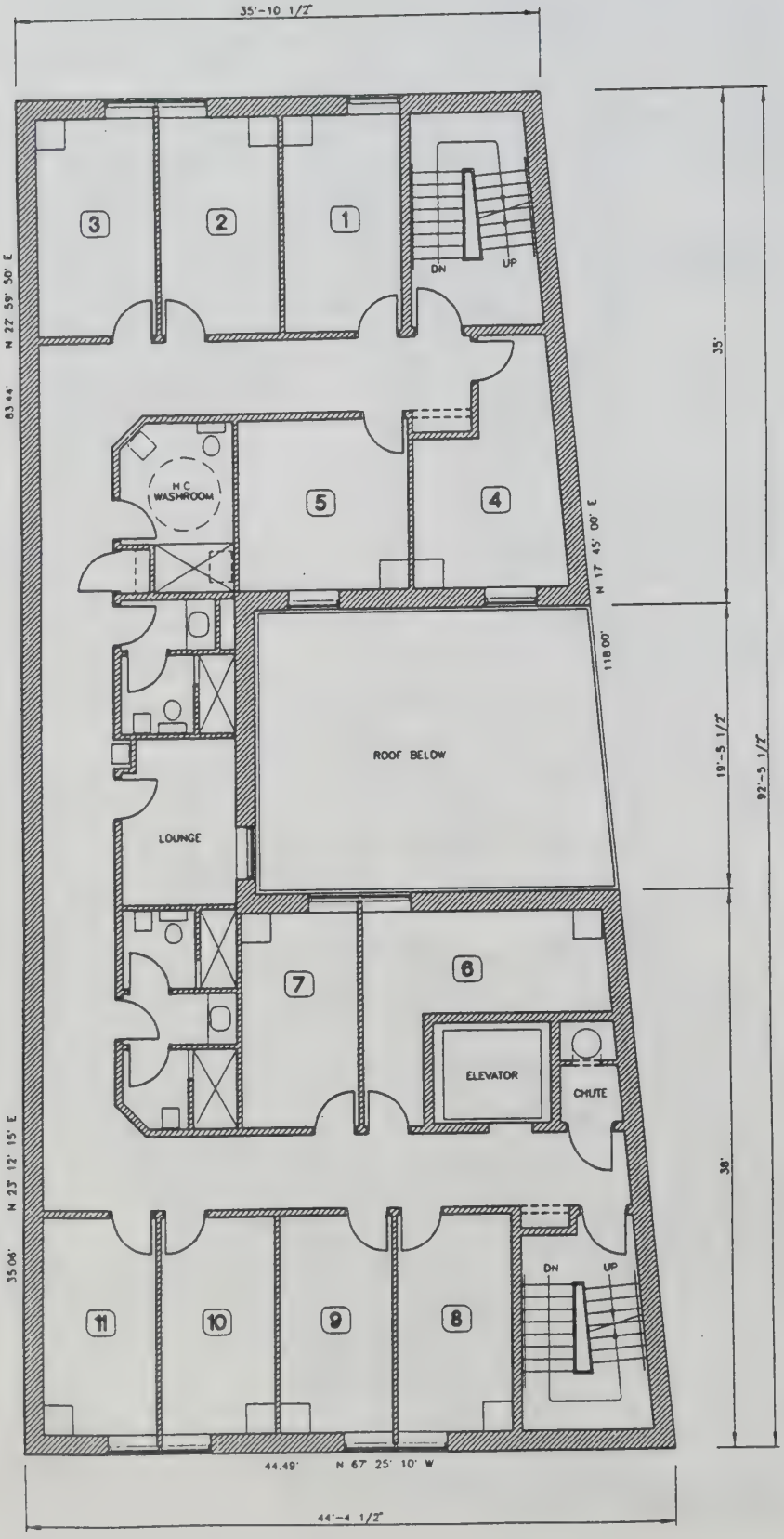
ZAC-94-30

APPENDIX A



Ground Floor Plan

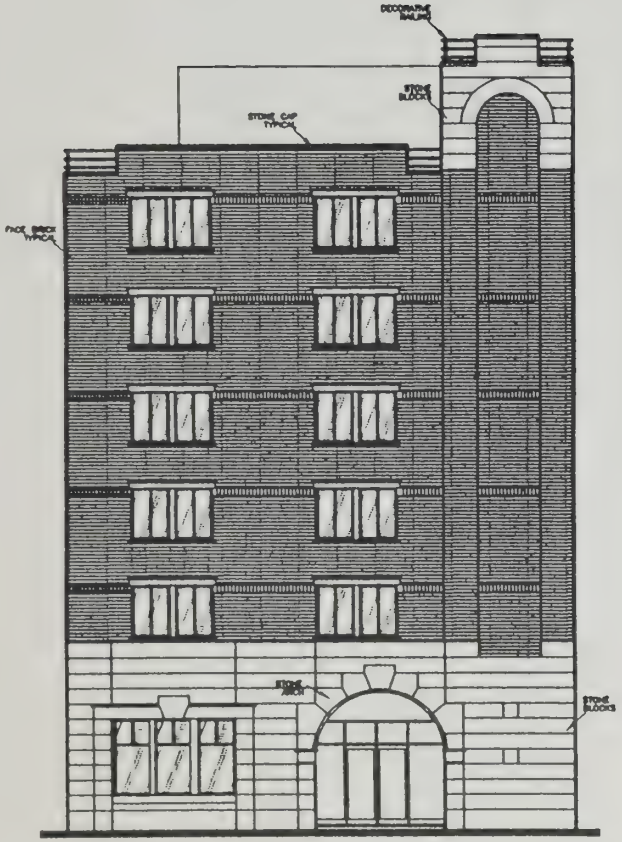
APPENDIX B



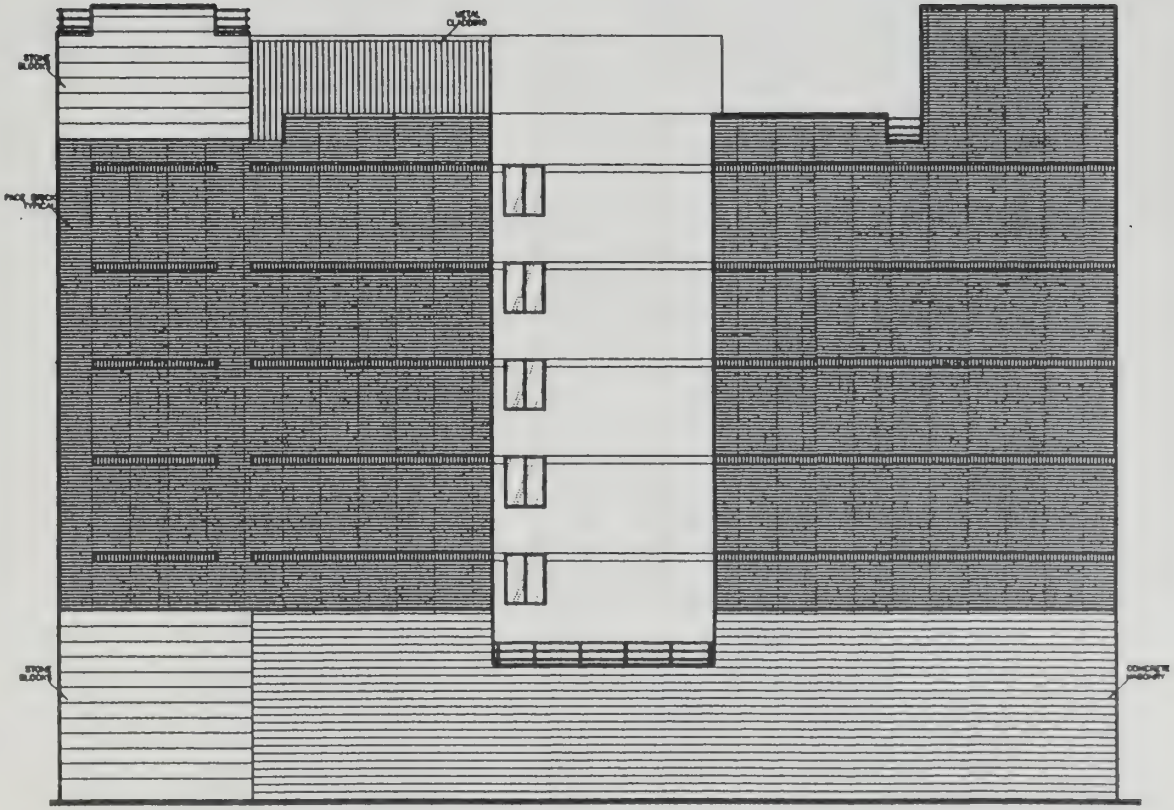
Typical Floor Plan 2nd to 6th

(TOTAL OF 55 UNITS)

APPENDIX C



South Elevation



East Elevation

APPENDIX D

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 16

REPORT TO: Tina Agnello
Secretary, Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic Department

SUBJECT: Public Works & Traffic Department, Community Renewal, Parks Division, 1996-2005 Provisional Capital Budget.

RECOMMENDATION:

1. That the attached capital projects from the Public Works and Traffic Department, Community Renewal, Parks Division, be considered for inclusion in the ten year 1996-2005 Provisional Capital Budget; and,

2. That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

C Luft-Eagland for
D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

All development cost estimates have been prepared by the Public Works and Traffic Department. The annual current budget impact for each project is included with the capital budget submission.

From a legal perspective, all issues of a legal nature that may arise during the implementation of these development projects will be forwarded on an individual basis to the Planning and Development Committee for consideration.

There are no new staffing positions proposed with these Public Works and Traffic Department Capital Budget Projects.

BACKGROUND:

The following is a brief explanation of the 1996-2005 Capital Budget submission of Community Renewal, Public Works and Traffic Department. The sequence of projects coincides with the rank number assigned in the Capital Budget Program Submission as determined by the Public Works and Traffic Department with the exception of the neighbourhood revitalization projects:

1. **Neighbourhood Revitalization Projects**.

Community Renewal staff, Parks Division, Public Works and Traffic Department, formerly applied for funding towards the revitalization of older neighbourhoods under the Provincial Government's Program for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) that preceded the jobsOntario Program. The Department was successful in receiving allocations under P.R.I.D.E. on a regular basis. In the most recent neighbourhoods identified for revitalization (Crown Point East/McAnulty) staff have carried out a comprehensive public participation process to identify items for expenditure for funding. Items identified include development/redevelopment of parks; tree planting and buffering of incompatible uses. It was the intention of staff to apply for subsidy under the jobsOntario Program but with the recent Provincial election the Program is frozen and it is unclear whether the Program will continue or be replaced. Provincial staff had previously advised staff that by carrying out a public participation process that resulted in priorities identified by the residents of the neighbourhoods, an application under the jobsOntario Program would be viewed more favourably. Staff will apply for subsidy if the Program is resurrected or replaced.

The neighbourhood areas are identified through the Parks Staff Committee on a needs basis. Existing infrastructure within the area is reviewed to determine the areas of priority for revitalization. Recommendations are then channelled through the Parks and Recreation Committee and ultimately City Council and adopted as part of the Parks Expenditure Policy.

Areas identified for improvements include: Crown Point East/McAnulty Phase II, Stipeley South, Parkview East and West and Blakeley/St. Clair. The City's cost for each project area amounts to approximately $400,000. with the exception of the Parkview East and West. The Parks Development and Maintenance Section of the Public Works and Traffic Department has completed work at Leaside, Glow and Woodward Park all in the Parkview East and West area, therefore the capital funding allotment for this project area has been reduced to $200,000. in recognition of these commitments.

Total 1998 $542,000
(includes $135,000 subsidy)
Total 2001 $551,000
(includes $138,000 subsidy)
Total 2002 $266,000
(includes $66,000 subsidy)
Total 2003 $532,000
(includes $132,000 subsidy)

2. **Ferguson Avenue Revitalization - Implementation**

An intensive public participation process was undertaken for the preparation of a Master Plan for the revitalization of Ferguson Avenue. The process consisted of two and one-half years of meetings with a stakeholders committee and three public workshops where the needs, visions and desires of the community at large were gathered and incorporated into the Master Plan which reflects many aspects of Vision 2020. Staff are now in the midst of finalizing the document and plan to proceed to a Public Planning and Development Committee meeting in the Fall of 1995. The Master Plan identifies the opportunity to create a linkage between the Escarpment, the downtown and the Bay with emphasis on pedestrians and cyclists.

Total 2001-2003 $5,225,00
(includes $2,585,000 subsidy)

3. **Hughson Street Redevelopment, Downtown Action Plan Phase I**

This project, at a gross cost of $743,000 is the first phase of a two-phase project on Hughson Street brought on by development pressures of the GO extension to Hamilton. Hughson Street between King and Hunter Streets will function as an excellent pedestrian connection from the GO Station to the downtown core and other major downtown attractions.

Total 2002 $743,000

4. **The Commercial Improvement Program - Phase II**

At the present time approximately $350,000 remains within the Commercial Improvement Program, and it is anticipated that these funds will be depleted by the end of 1996. The objective of the Program is to finance streetscape improvements on publicly owned lands within Hamilton's B.I.A.'s. Items approved for funding have included: benches, planters, banners, lighting, sidewalk widening, speciality paving etc. Included as an eligible item is the funding of murals placed within the B.I.A.'s up to 50% of the total cost, to a maximum of $5,000. Also eligible are comprehensive studies the B.I.A.'s have had undertaken to a maximum of $2,500. or 50% of the total

cost. The studies provide B.I.A. Board's and staff, guidelines for future growth and development. Monies were also utilized from these funds to set-up accounts to implement the Facade and Interior Programs that are offered to property and business owners within B.I.A.'s.

A continuation of the Commercial Improvement Program will demonstrate the City's support of B.I.A.'s and help spur the economic vitality of the areas. Also, consideration must be given to future areas designated as B.I.A.'s such as Locke Street where staff have been meeting with the merchants and are taking them through the designation process. Consideration should also be given to expanding B.I.A.'s such as the International Village B.I.A. that has recently expanded.

Total 2003-2004 $2,500,000

5. Downtown Action Plan Interconnecting Streets - Phase VI

The intention of the project is to use the available funds as seed money to partner with private developers for upgrading the streetscaping around their buildings that are situated on the connecting streets in and around the downtown area. The funds will be set aside to react to possible joint ventures as they arise. Contact with developers and other stakeholders in the downtown core will be made in an attempt to form partnerships that will maximize City dollars. Combining of both public and private dollars will assist in fostering a feeling of pride in the local community.

Total 2004 $800,000

6. Hughson Street Redevelopment, Downtown Action Plan - Phase II

This project at a gross cost of $765,000 is the second phase of a two-phase project, Phase One is planned for 2002. Phase II is a logical extension of the pedestrian link from Hunter Street to Charlton Avenue and is recommended for commencement in 2004. This project will serve as a continuation of the pedestrian connection to the GO Station, the downtown core and other major downtown attractions.

Total 2004 $765,000

HM:hm
Attachments

c.c. Mr. A. Ross, City Treasurer
Mr. N. Adhya, Manager of Budgets, Treasury Department
Mr. R. Chrystian, Manager of Parks Division, Public Works & Traffic Department

The Corporation of the City of Hamilton

1996-2005 PROVISIONAL CAPITAL BUDGET PROGRAM

September 25, 1995

TABLE 4
PUBLIC WORKS DEPARTMENT - COMMUNITY RENEWAL

1995 PROJ NO.	DEPT.	PROJECT DESCRIPTION	PROJECT START	PROJECT FINISH	GROSS COST	RECEIPTS SUBSIDY	NET FINANCING 1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	ANNUAL OPERATING COST
																	29
202.0	PWD-C	CROWN POINT EAST/MCANULTY - PHASE II	1998	1998	542	135			407								104
203.0	PWD-C	FERGUSON AV IMPLEMENTATION - PEDESTRIAN/BIKE LINK - ESCARPMENT & BAY	2001	2003	5,225	2,585						800	1,000	840			29
204.0	PWD-C	STIPELEY SOUTH NEIGHBOURHOOD	2001	2001	551	138						413					14
205.0	PWD-C	PARKVIEW (EAST & WEST)	2002	2002	266	66							200				29
206.0	PWD-C	BLAKELEY/ST. CLAIR REVITALIZATION	2003	2003	532	132								400			26
207.0	PWD-C	HUGHSON ST. REDEVELOPMENT - DOWNTOWN ACTION PLAN PHASE I	2002	2002	743								743				88
208.0	PWD-C	COMMERCIAL IMPROVEMENT PRORAM - PHASE II	2003	2004	2,500									1,000	1,500		21
209.0	PWD-C	DOWNTOWN ACTION PLAN INTERCONNECTING STREETS - PHASE VI	2004	2004	800										800		27
210.0	PWD-C	HUGHSON STREET REDEVELOPMENT - DOWNTOWN ACTION PLAN PHASE II	2004	2004	765										765		367
		1996 - Sub-Total Public Works - Community Renewal (net City Costs - 8,868)			11,924	3,056	0	0	407	0	0	1,213	1,943	2,240	3,065	0	367
		1995 - Sub-Total Public Works - Community Renewal (net City Costs - 8,868)			11,924	3,056											

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Crown Point East/McAnulty Phase II

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
This is the second phase of a two-phase project stressing improvements to the Pipeline Park in the Crown Point East Neighbourhood and St. Christopher's Park in the McAnulty Neighbourhood, along with other residential, commercial and industrial needs of the neighbourhoods. Other items of renewal could include lighting, sidewalks, accessibility of the neighbourhood, buffering, etc.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	x
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
This project will address the dilapitation of the existing infrastructure within the neighbourhood and improve the quality of life of the residents through the development of parks, buffering of incompatible uses, etc. The neighbourhoods were identified as a priority due to the degree of decaying infrastructure and lack of park space.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	_____
(b)	COMPLETION DATE (MONTH-YEAR)	_____
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$ _____

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 1998
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 1998

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 542,000.
(Rounded to Nearest Thousand Dollars)

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy and describe) At the present time, no Provincial Program exists following the Cancellation of jobsOntario. Provincial staff advise that other programme may be announced in early 1996. $ 135,000.

(c) LESS OTHER RECEIPTS (Specify): _____ $ 407,000.

(d) NET CITY'S COST: $ _____

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ _____
- 1998	$ 407,000.	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 1998

(b) COSTS (Specify items)

-labour costs	$ 5,600.	
-equipment	$ 700.	
-materials, utilities	$ 700.	
GROSS COST (All Inclusive)		$ 7,000.

(c) LESS RECOVERY/REVENUE (specify) $ 0

(d) NET CITY'S COST $ 7,000.

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) January 1999

(f) GROSS COST (All Inclusive) $ 29,000.

-labour costs	$ 23,200.	
-equipment	$ 2,900.	
-materials, utilities	$ 2,900.	

(g) LESS RECOVERY/REVENUE (specify) $ 0

(h) NET CITY'S COST $ 29,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No _x_ Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions At time of original submission amount based on matching maximum.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Second Phase of the Project not completed leaving the Crown Point East/McAnulty Priority One Parks underdeveloped. Hard and soft services will continue to decline.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes _x_; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 202.0

(b) AT CITY'S COST OF $407,000.

(c) SCHEDULED TO START IN THE YEAR 1998

Whota — Sep. 28th 95

Signature of Department Head/ Local Board Manager — *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Ferguson Avenue Implementation - Pedestrian/Bike Link - Escarpment and the Bay

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
The implementation of Ferguson Avenue is proposed as a seven-phased revitalization project. The Ferguson Avenue Master Plan was created through an intensive public participation process. The document sets out the guidelines for implementation of the project. The Master Plan is near completion and will be forwarded to City Council for its approval the fall of 1995.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	x
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	x
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
The development of the roadway will address the need to reconstruct the existing and bring up to standard and in some areas address the need to construct sidewalks. The linkage will provide the citizens of Hamilton with a complete link from the escarpment to the Bay and the Waterfront trail as well as the Niagara escarpment. The downtown component will create an area for special events and gatherings that will generate business development.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	
(b)	COMPLETION DATE (MONTH-YEAR)	
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2001
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2003

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 5,225,000.
(Rounded to Nearest Thousand Dollars)

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy and describe) At present, no Provincial Program exists, but Provincial staff advise that new initiatives may be available in early 1996.
$ 2,585,000.

(c) LESS OTHER RECEIPTS (Specify): _____
$ _____

(d) NET CITY'S COST: $ 2,640,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ 800,000.
- 1997	$ _____	- 2002	$ 1,000,000.
- 1998	$ _____	- 2003	$ 840,000.
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2001 (first year)
(b) COSTS (Specify items)

-labour costs	$ 31,500.	
-equipment	$ 6,750.	
-materials, utilities	$ 6,750.	
GROSS COST (All Inclusive)		$ 45,000.
(c) LESS RECOVERY/REVENUE (specify)	$ 0	
(d) NET CITY'S COST		$ 45,000.

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) January 2003 (after construction completion)
(f) GROSS COST (All Inclusive) $ 104,000.

-labour costs	$ 72,800.	
-equipment	$ 15,600.	
-materials, utilities	$ 15,600.	
(g) LESS RECOVERY/REVENUE (specify)	$ 0	
(h) NET CITY'S COST		$ 104,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions The Ferguson Avenue Revitalization Master Plan that identifies all elements proposed and associated costs.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Without this revitalization, private developers will not be encouraged to invest in Ferguson Avenue and future growth will be stifled. No direct pedestrian/bicycle link will exist between the Escarpment, the Downtown Core and the Bay. The public will be disillusioned with the public process.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes x ; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 203.0

(b) AT CITY'S COST OF $2,640,000.

(c) SCHEDULED TO START IN THE YEAR 2001

_____ Sep. 28th 95

Signature of Department Head/ Local Board Manager — *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Stipeley South Neighbourhood

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
The Stipeley Neighbourhood south of Barton Street has a major deficiency in parkland and, therefore, contains no Priority One Park. A Priority One Park must be identified and upgraded. Hard and soft services require major requirements. The Neighbourhood is located east/central in Ward Three and is a mix of residential, industrial and commercial uses.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	x
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
The lack of park space must be addressed to improve the quality of life of the residents other improvements will result in addressing the decaying infrastructure and the buffering of residential and industrial lands. This area has been identified as one of the priority neighbourhoods that need to be revitalized due to the deteriorating conditions of the infrastructure.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	
(b)	COMPLETION DATE (MONTH-YEAR)	
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2001
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2001

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: (Rounded to Nearest Thousand Dollars) $ 551,000.

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy and describe) No Provincial subsidies exist at the present time, but new initiatives are expected to be announced in early 1996.
$ 138,000.

(c) LESS OTHER RECEIPTS (Specify): $

(d) NET CITY'S COST: $ 413,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$	- 2001	$ 413,000.
- 1997	$	- 2002	$
- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2001

(b) COSTS (Specify items)

-labour costs	$ 20,300.	
-equipment	$ 4,350.	
-materials, utilities	$ 4,350.	
GROSS COST (All Inclusive)		$ 29,000.
(c) LESS RECOVERY/REVENUE (specify)	$ 0	
(d) NET CITY'S COST		$ 29,000.
(e) FOLLOWING YEAR - DATE (MONTH-YEAR)	January 2002	
(f) GROSS COST (All Inclusive)		$ 29,000.
-labour costs	$ 20,300.	
-equipment	$ 4,350.	
-materials, utilities	$ 4,350.	
(g) LESS RECOVERY/REVENUE (specify)	$ 0	
(h) NET CITY'S COST		$ 29,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No _x_ Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions At time of original submission amount based on matching maximum Provincial subsidy.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Parkland remains deficient. Neighbourhood hard services continue to deteriorate.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes _x_; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 204.0

(b) AT CITY'S COST OF $413,000.

(c) SCHEDULED TO START IN THE YEAR 2001

_____ Sep. 28th 95

Signature of Department Head/ Local Board Manager *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Parkview (East and West)

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Improvements to parks, recreational, hard and soft services. Parkview Neighbourhood is adjacent to Red Hill Creek.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	x
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
The projects implemented under this program will address the dilapidated infrastructure in the neighbourhood and address the need to redevelop/develop park space. The quality of life of the residents must be improved and has been identified as one of the priority neighbourhoods to be revitalized due to the existing conditions of the infrastructure.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	_____
(b)	COMPLETION DATE (MONTH-YEAR)	_____
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$ _____

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2002
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2002

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 266,000.
(Rounded to Nearest Thousand Dollars)

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy No Provincial subsidies
and describe) exist at the present time, but new
initiatives are expected to be announced in early
1996.
$ 66,000.

(c) LESS OTHER RECEIPTS (Specify): _____
$ _____

(d) NET CITY'S COST: $ 200,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ 200,000.
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2002
(b) COSTS (Specify items)
-labour costs $ 9,800.
-equipment $ 2,100.
-materials, utilities $ 2,100.

GROSS COST (All Inclusive) $ 14,000.

(c) LESS RECOVERY/REVENUE (specify) $ 0

(d) NET CITY'S COST $ 14,000.

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) January 2003

(f) GROSS COST (All Inclusive) $ 14,000.

-labour costs $ 9,800.
-equipment $ 2,100.
-materials, utilities $ 2,100.

(g) LESS RECOVERY/REVENUE (specify) $ 0

(h) NET CITY'S COST $ 14,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions At time of original submission amount based on matching maximum Provincial subsidy.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Further deterioration of Neighbourhood.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes x ; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 205.0

(b) AT CITY'S COST OF $200,000.

(c) SCHEDULED TO START IN THE YEAR 2002

_____ Sep. 28th 94

Signature of Department Head/ Local Board Manager — *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Blakeley/St. Clair Revitalization

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Improvements to parks, recreational, hard and soft services. Blakeley/St. Clair are located south/central in Hamilton in Ward Three and bounded by Wentworth, Gage, Main Streets and the base of the Escarpment.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	x
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
Development of parkland will address the shortage within these neighbourhoods. Improvements to the existing infrastructure will enhance the quality of life of the residents of the area. These neighbourhoods were identified as a priority due to the existing conditions of the infrastructure and lack of parkland.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	
(b)	COMPLETION DATE (MONTH-YEAR)	
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2003
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2003

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 532,000.
(Rounded to Nearest Thousand Dollars)

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy No Provincial subsidies
and describe) exist at the present time, but new
initiatives are expected to be announced in early 1996.
$ 132,000.

(c) LESS OTHER RECEIPTS (Specify): _____
$ _____

(d) NET CITY'S COST: $ 400,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ 400,000.
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2003

(b) COSTS (Specify items)

-labour costs	$ 20,300.
-equipment	$ 4,350.
-materials, utilities	$ 4,350.

GROSS COST (All Inclusive) $ 29,000.

(c) LESS RECOVERY/REVENUE (specify) $ 0

(d) NET CITY'S COST $ 29,000.

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) January 2004

(f) GROSS COST (All Inclusive) $ 29,000.

-labour costs	$ 20,300.
-equipment	$ 4,350.
-materials, utilities	$ 4,350.

(g) LESS RECOVERY/REVENUE (specify) $ 0

(h) NET CITY'S COST $ 29,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions At time of original submission amount based on matching maximum Provincial subsidy.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Further deterioration of existing hard and soft services.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes x ; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 206.0

(b) AT CITY'S COST OF $400,000.

(c) SCHEDULED TO START IN THE YEAR 2003

_____	Sep. 28th 95
Signature of Department Head/ Local Board Manager	*Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Hughson Street Redevelopment - Downtown Action Plan Phase I

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Upon completion of the GO extension to Hamilton, Hughson Street will play a major role as a pedestrian path. Therefore streetscaping, pedestrian weather protection, etc. are needed from Hunter to King Streets as per the Central District Study draft Guidelines adopted by the Planning and Development Committee.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	x
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
The GO Station is a vital link to the downtown area and with improvements to the pedestrian pathway on Hughson Street will encourage more pedestrians to the downtown area hence business development for the core. The physical improvements anticipated will also address the quality of life for Hamilton's residents in conformance with the Central District Study and Vision 2020.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	_____
(b)	COMPLETION DATE (MONTH-YEAR)	_____
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$ _____

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2002
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2002

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 743,000.
(Rounded to Nearest Thousand Dollars)

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy _____
and describe) _____
_____
_____
_____ $ _____

(c) LESS OTHER RECEIPTS (Specify): _____
_____
_____ $ _____

(d) NET CITY'S COST: $ 743,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ 743,000.
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2002

(b) COSTS (Specify items)

-labour costs	$ 18,200.	
-equipment	$ 3,900.	
-materials, utilities	$ 3,900.	
GROSS COST (All Inclusive)		$ 26,000.

(c) LESS RECOVERY/REVENUE (specify) $ 0

(d) NET CITY'S COST $ 26,000.

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) _____

(f) GROSS COST (All Inclusive) $ 26,000.

-labour costs	$ 18,200.	
-equipment	$ 3,900.	
-materials, utilities	$ 3,900.	

(g) LESS RECOVERY/REVENUE (specify) $ _____

(h) NET CITY'S COST $ 26,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions Based on previous Capital Projects of similar scope including inflationary measures, a more accurate estimate will be identified through the results of the Hughson Street Implementation Committee to be established in the near future.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

No pedestrian link to GO Station at Hunter from Downtown. Loss of commercial potential Downtown particularly east of James Street.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes x ; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 207.0

(b) AT CITY'S COST OF $743,000.

(c) SCHEDULED TO START IN THE YEAR 2002

_____ Sep. 28th 95

Signature of Department Head/ Local Board Manager — *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Commercial Improvement Programme - Phase II

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Phase II of the Commercial Improvement Programme will address the physical and economic needs of Business Improvement Areas as they pertain to municipally owned lands i.e. banners, benches, light fixtures, planters, sidewalks, etc. All monies will be spent within legally defined Business Improvement Areas.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	x
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	x
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
Through the implementation of physical improvements within the existing B.I.A.'s and newly created B.I.A.'s, together with the promotion and marketing of the areas by the B.I.A.'s themselves, and the educational component for businesses as addressed through the annual Business Development Seminar, co-ordinated by the City of Hamilton, the commercial districts will attract new business thus having a positive impact on the surrounding neighbourhoods and the tax base, and ultimately the image of the City of Hamilton.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	
(b)	COMPLETION DATE (MONTH-YEAR)	
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2003
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2004

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 2,500,000.
(Rounded to Nearest Thousand Dollars)

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy _____
and describe) _____
_____
_____
_____ $ _____

(c) LESS OTHER RECEIPTS (Specify): _____
_____
_____ $ _____

(d) NET CITY'S COST: $ 2,500,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ 1,000,000.
- 1999	$ _____	- 2004	$ 1,500,000.
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2003

(b) COSTS (Specify items)

-labour costs	$ 24,500.	
-equipment	$ 5,250.	
-materials, utilities	$ 5,250.	
GROSS COST (All Inclusive)		$ 35,000.

(c) LESS RECOVERY/REVENUE (specify) $ 0

(d) NET CITY'S COST $ 35,000.

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) January 2004

(f) GROSS COST (All Inclusive) $ 88,000.

-labour costs	$ 61,600.	
-equipment	$ 13,200.	
-materials, utilities	$ 13,200.	

(g) LESS RECOVERY/REVENUE (specify) $ 0

(h) NET CITY'S COST $ 88,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions Based on previous Capital Projects of similar scope including inflationary measures.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Commitment to Hamilton's Business Improvement Areas by the City of Hamilton will not be demonstrated. Commercial vitality not created. New B.I.A.'s established since the implementation of Phase I Commercial Improvement Programme will not have the resources to improve their physical boundaries.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes x ; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 208.0

(b) AT CITY'S COST OF $2,500,000.

(c) SCHEDULED TO START IN THE YEAR 2003

_____ Sep. 28th 95

Signature of Department Head/ Local Board Manager *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Phase VI of the Downtown Action Plan - Interconnecting Streets

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Presently, the Downtown Action Plan includes a very defined boundary which treatment stops dramatically at its borders. Phase VI will address the transition areas from commercial to residential and also allow Public Works to develop a partnership with private developers to provide incentive dollars to upgrade the streetscaping around their buildings at a minimal cost to the City. Authorization was given to the interconnecting streets within the Study area to determine the feasibility of extending the Downtown Action Plan physical improvement.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	x
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	x
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
Linkages with other significant areas such as Hess Village, Ferguson Avenue are crucial for the well being of the downtown core. The linkages will result in more pedestrian traffic and have a positive impact on the economics of the downtown and surrounding businesses.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	
(b)	COMPLETION DATE (MONTH-YEAR)	
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2004
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2004

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 800,000.
(Rounded to Nearest Thousand Dollars)

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy _____
and describe) _____
_____
_____
_____ $ _____

(c) LESS OTHER RECEIPTS (Specify): _____
_____
_____ $ _____

(d) NET CITY'S COST: $ 800,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ 800,000.
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2004

(b) COSTS (Specify items)

-labour costs	$ 14,700.	
-equipment	$ 3,150.	
-materials, utilities	$ 3,150.	
GROSS COST (All Inclusive)		$ 21,000.

(c) LESS RECOVERY/REVENUE (specify) $ 0

(d) NET CITY'S COST $ 21,000.

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) January 2005

(f) GROSS COST (All Inclusive) $ 21,000.

-labour costs	$ 14,700.	
-equipment	$ 3,150.	
-materials, utilities	$ 3,150.	

(g) LESS RECOVERY/REVENUE (specify) $ 0

(h) NET CITY'S COST $ 21,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No _x_ Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions Based on previous projects of similars scope.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

The Downtown Action Plan improvements lose their impact as the commercial sectors grow around it. Public and private demand for improvements will not be planned or budgeted for. Opportunities with developers will remain untapped.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes _x_; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 209.0

(b) AT CITY'S COST OF $ 800,000.

(c) SCHEDULED TO START IN THE YEAR 2004

_____ Sep. 28th 95

Signature of Department Head/ Local Board Manager *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Hughson Street Redevelopment - Downtown Action Plan Phase II

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
This is the second phase of a two-phase project on Hughson Street brought on by development pressures of the GO extension to Hamilton. Special treatment to enhance the pedestrian appeal such as streetscaping, pedestrian weather protection, etc. are needed from Hunter Street to Charlton Avenue as per the Central Business District Study draft Guidelines adopted by the Planning and Development Committee.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	x
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	x
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
The linkage to the downtown, the GO Station and Charlton Avenue creates an environment conclusive to pedestrians thus encouraging more people to venture to our downtown and having a positive impact on economic development, business development and the tax base. The environment proposed to be created is in conformance with the Central Business District Study and Vision 2020.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	
(b)	COMPLETION DATE (MONTH-YEAR)	
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2004
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2004

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: (Rounded to Nearest Thousand Dollars) $ 765,000.

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy _____
and describe) _____
_____
_____
_____ $ _____

(c) LESS OTHER RECEIPTS (Specify): _____
_____
_____ $ _____

(d) NET CITY'S COST: $ 765,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ 765,000.
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2004

(b) COSTS (Specify items)

-labour costs	$ 18,900.	
-equipment	$ 4,050.	
-materials, utilities	$ 4,050.	
GROSS COST (All Inclusive)		$ 27,000.

(c) LESS RECOVERY/REVENUE (specify) $ 0

(d) NET CITY'S COST $ 27,000.

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) January 2005

(f) GROSS COST (All Inclusive) $ 27,000.

-labour costs	$ 18,900.	
-equipment	$ 4,050.	
-materials, utilities	$ 4,050.	

(g) LESS RECOVERY/REVENUE (specify) $ 0

(h) NET CITY'S COST $ 27,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No _x_ Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions Based on previous Capital Projects of similar scope including inflationary measures. A more accurate estimate will be identified through the results of the Hughson Street Implementation Committee to be established in the near future.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

No pedestrian link to GO Station from Hunter to Charlton.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes _x_; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 210.0

(b) AT CITY'S COST OF $765,000.

(c) SCHEDULED TO START IN THE YEAR 2004

_____ Sep. 28th 95

Signature of Department Head/ Local Board Manager *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 19

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P.
Director of Planning

Mr. J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Delegated Authority for Subdivisions and Condominiums

RECOMMENDATION:

(a) That City Council request Regional Council to delegate the authority to approve plans of subdivision and condominium to the City of Hamilton.

(b) That upon delegation of authority for subdivision and condominium approval from Regional Council, City Council delegate, by by-law, the authority to the Director, Planning and Development Department.

(c) That the City Clerk notify the Regional Clerk and the Regional Commissioner of Planning and Development of Council's decision.

V. Abraham J. J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Delegation of authority for subdivisions/condominiums can be absorbed by the Planning Department without any disruption to services. With the establishment of the City Planning Department in April 1995, the function of processing subdivision/condominium applications within the City was transferred from the Regional Planning Department to the City without the addition of any staff. However, the Regional Planning Department maintained responsibility for subdivision/condominium approvals and related administration.

Staffing impacts would be dependent on the method of implementation. However, costs would be offset by application fees.

BACKGROUND:

o **Delegated Authority for Consents**

At its meeting of 1995 September 25, City Council approved Section 5 of the 18th Report of the Planning and Development Committee to, among other things, request Regional Council to delegate the authority for consents to the City of Hamilton.

o **Planning Act - Subdivision Delegation**

Section 51.2 of the Planning Act empowers Regional Council to delegate the authority to approve plans of subdivision to an area municipality as follows:

51.2(2) If a **regional**, county or district council or the council of the County of Oxford is the approval authority under section 51 in respect of the approval of plans of subdivision, the council may, after the prescribed notice is given, by by-law **delegate** all or any part of the **authority** to approve plans of **subdivision** to a **constituent** local or area **municipality** in respect of land situate in the local or area municipality.

In addition, the Planning Act allows for the further delegation of authority as follows:

51.2(4) If authority is delegated to a council under subsection (2), the council may in turn by by-law **delegate** all or any part of the **authority** to a **committee of council** or to an **appointed officer** identified in the by-law by name or position occupied.

COMMENTS:

Prior to recent changes to the Planning Act (Bill 163), only the Minister of Municipal Affairs had authority to delegate subdivision/condominium approvals to an area municipality. The Planning Act now assigns the authority to delegate to Regions (see BACKGROUND).

Delegated approval authority for subdivisions/condominiums would be consistent with the Sewell Commission's philosophy of decision making by the municipality closest to the citizens. Generally, there is agreement that planning development control matters should, where possible, be administered at the local/area municipal level.

A request for delegated approval authority for subdivisions/condominiums would be consistent with the City's recent approval to request delegated authority for consents. As with consents, given the urban/technical nature of subdivisions/condominiums in the City of Hamilton, delegation of approval authority would not have an effect on Regional interests. More specifically, the Regions role would change from approval authority back to commenting agency.

With the establishment of the City Planning Department in April 1995, the function of processing subdivision/condominium applications within the City was transferred from the Regional Planning Department to the City. However, the Regional Planning Department maintained responsibility for subdivision/condominium approvals and administration. Recently, City and Regional Planning staff have been meeting to develop a "Cooperative Review Agreement" with the aim of streamlining the development approval process (ie. a one-window approach). The objective is to establish streamlining practices such as joint applications, signage, public notices and public meetings, thereby avoiding duplication.

It is the opinion of City Planning staff that "one stop shopping" could best be achieved by delegation of authority for subdivision and condominium approvals. This would result in:

- less customer confusion by clarifying City/Regional roles for planning development approvals;
- enhanced customer service; and
- administrative efficiencies.

It is understood that delegated authority for subdivision and condominium approvals has been approved in York Region, and is being considered in other jurisdictions.

As with the Town of Dundas' request to receive delegated authority for consents, it is anticipated that the Region will circulate the City's request for subdivision/condominium approval authority for review and comment by area municipalities and all circulation agencies, prior to making a decision.

Should Regional Council grant the City's request, it would be appropriate for City Council to further delegate approval authority to the Director of the Planning and Development Department. This is consistent with the present situation whereby the Commissioner of Regional Planning is the delegated authority.

CONCLUSION:

Based on the foregoing, it would be appropriate for City Council to request delegation of authority for subdivision and condominium approvals from the Region.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 October 25th
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the Meeting held 1995 October 4

B. BUILDING COMMISSIONER

(a) Demolitions:

i) 690 Stone Church Road West
ii) 310 Robert Street
iii) 122 Sanford Avenue North
iv) 124 Sanford Avenue North
v) 327-329 Wentworth Street North
vi) 1136 West 5th Street

(b) Hamilton Emergency Loan Programme:

i) 447 Upper Gage Avenue
ii) 221 Lawnhurst Crescent
iii) 739 Cannon Street East
iv) 22 Mahony Avenue
v) 578 Upper Paradise Road

(c) Commercial Loan Program:

i) 359 Barton Street East
ii) 361 Barton Street East
iii) 470 Barton Street East
iv) 1030-1048 King Street West

C. **DIRECTOR OF PLANNING AND DEVELOPMENT**

Sign Posting Requirements for Subdivisions

D. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

Wednesday, 1995 October 4
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present:	Alderman Drury, Chairperson Alderman D'Amico, Vice-Chairperson Alderman McCulloch Alderman Merling Alderman Copps Alderman Eisenberger Alderman Charters
Regrets:	Mayor Morrow (Civic Business) Alderman Caplan (Religious Holiday)
Also present:	Alderman Collins Alderman Wilson Paul Mallard, Planning Department Bill Janssen, Planning Department Peter Lampman, Building Department Roland Karl, Traffic Department Art Zuidema, Law Department Mike Watson, Property Department Eugene Chajka, Transportation and Environmental Services Charlie Unelli, Transportation and Environmental Services Joe Schatz, City Clerk Tina Agnello, Secretary

A G E N D A

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. **Zoning Application 95-23, Hampshire Properties Inc., owner for a change in zoning from "CR-1" (Commercial-Residential) District, modified to "HH" (Restricted Community Commercial and Shopping, etc.) District for lands at 1275 Upper James Street (front portion), as shown on the attached map.**

   Submission was received from William and Carol Mercanti, 65 Chipman Ave., Hamilton

   Alderman Copps asked whether the concerns in the submission were being addressed.

   Roland Karl stated that the road is designated and there is provision for a left turn lane in long term plans but not in the current budget. The Traffic Department is also monitoring for signals.

   Alderman Merling stated that he has met with Mr. and Mrs. Mercanti who would like to have the area fully developed. Alderman Merling has no concerns with the plan.

   As recommended by the Director of Planning and Development in a report dated 1995 September 27, the Committee recommended to Council as follows:

   (a) That Zoning Application ZAC-95-23, Hampshire Properties Inc., owner, requesting a change in zoning from "CR-1" (Commercial-Residential) District, modified to "HH" (Restricted Community Commercial and Shopping, etc.) District, to permit the use of the subject lands for an automobile dealership, for

lands located at 1275 Upper James Street, as shown on the attached map marked as APPENDIX "A", be APPROVED on the following basis:

(i) That the subject lands be rezoned from "CR-1" (Commercial-Residential) District, modified, to "HH" (Restricted Community Commercial and Shopping, etc.) District; and,

(ii) That the "HH" (Restricted Community Commercial and Shopping, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

1. Notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the easterly limits of the "HH" District where they abut the residential district to the east; and,

2. That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the easterly limits of the "HH" District where they abut the residential district to the east; and,

3. Notwithstanding Section 14A(3)(a) of Zoning By-law 6593, a front yard depth of at least 24 metres shall be provided and maintained; and,

4. That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1349, and that the subject lands on Zoning District Map E-96 be notated S - 1349; and,

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-96 for presentation to City Council; and,

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the Jerome Neighbourhood Plan be amended by changing the designation of the subject lands from "Residential - Commercial & Apartments" to "Commercial" upon finalization of the implementing By-law.

*Alderman Copps opposed.

2. **Zoning Application 95-15 and Subdivision Application SAC-95-05, Wellington Chase Inc. (J. Parente), owner, for an amendment to the City of Hamilton Official Plan and for a change in zoning from "G-I" (Shopping Centre) District to "C" (Urban Protected Residential, etc.) District, for property located at the north-west corner of Emperor Drive and Upper Wentworth Street.**

As recommended by the Director of Planning and Development in a report dated 1995 September 26, the Committee recommended to Council as follows:

(a) That approval be given to Official Plan Amendment No. 132 to redesignate the subject lands from "COMMERCIAL" to "RESIDENTIAL" and to delete that portion of Special Policy Area 23 applicable to the subject lands, and the City Solicitor be directed to prepare a By-law of adoption for submission to Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to Zoning Application 95-15, Wellington Chase Inc. (J. Parente), owner, requesting a change in zoning from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District, for property located at the north-west corner of Emperor Drive and Upper Wentworth Street, shown on the attached map marked as APPENDIX "B", on the following basis:

(i) That the subject lands be rezoned from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District; and,

ii) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18D for presentation to City Council; and,

(iii) That the approved Barnstown Neighbourhood Plan be amended by redesignating the subject lands from "COMMERCIAL" to "SINGLE & DOUBLE RESIDENTIAL" upon finalization of the implementing By-law; and,

(iv) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 132 by the Regional Municipality of Hamilton-Wentworth.

3. **Zoning Application 95-18, Elite Realty Corporation, prospective owner, for an amendment to the City of Hamilton Official Plan and for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified for property located at No. 775 and 779 Upper Wentworth Street.**

A submission was received by Anne Chapman, 354 Mohawk Road East, Hamilton

Paul Mallard explained that the application is to permit a former Fire Hall and public use office to be used as offices and other commercial and retail uses.

The Applicant would like two-thirds of the building to be office space and one-third commercial.

Paul Mallard advised that the application conflicts with the neighbourhood plan. There are a broad range of uses not compatible with the existing residential use. The Planning Department is still supportive of offices and day nursery but not medical or dental offices.

Of 370 notices circulated, 11 replied in favour and 4 opposed.

John Ariens from Planning Initiatives, agent on behalf of Caldwell Bankers, was present and illustrated a diagram of the present building. He stated that there will be no perceived change to the neighbourhood with regard to traffic impacts. The high ceilings of the existing firehall are not conducive to office space so as such, the Applicant has made a list of alternate uses compatible with the building's construction.

He referred to the list of uses on Page 2 of the staff report. He stated that the Applicant is prepared to take more uses off the list.

In terms of parking, the applicant is providing 43 spaces whereas only 19 parking spaces are required for the site. Mr. Ariens stated that even if the building has only office businesses as it is right now, this would still require an amendment to the Neighbourhood Plan. He also stated that they only want to go from one form of office use to another. He stated that the existing building must be adapted and therefore there should be some flexibility and he concluded by stating that the existing building is presently designated as a major institutional site therefore the request is not an indiscriminate extension of use.

Mr. McDowell, the prospective owner of the property was present. He stated that he would like an owner occupied situation. He does not want to change the look of the building since they are the official sponsors for firefighters safety and want to maintain the building as it was when it was. Only the Health Unit side will change its appearance.

Mr. Ariens added that the impact to the Official Plan would be negligible. He also stated that the Applicant is prepared to have as uses banks and financial institutions, convenient stores, personal service shops, professional or business offices, studio/art gallery, business or commercial school and medical centre. All other uses to be deleted.

Anne Chapman of 354 Mohawk Road East was present. She stated that the area was an asphalt jungle and that retail should not be permitted in the area. She agreed to offices and stated that presently there is a highrise medical building nearby which has some vacancies.

Warren Ellis, resident of 287 Sirente Drive was present. He suggested that for the most part the uses which are proposed are acceptable but he does not wish retail to be in that building. He stated that he would not like a retail strip located along the entire length of Upper Wentworth.

Alderman Merling stated that it is a very nice location with trees and green area. Some of the trees are proposed to be chopped down. The Applicant is asking for too many uses. When it was proposed to be sold the price from the City to the Purchaser would have been different if it was assessed for use for retail and commercial, but this was not the case, as such, Alderman Merling stated that the Committee should only allow those uses which were originally asked for which were offices, daycare and related uses.

Paul Mallard stated that should the applicant accept those original uses, the by-law should be held in abeyance pending approval.

Alderman Eisenberger suggested that this building be made viable and put to good use. He did not agree with the convenience store, but did not have any objection to the other uses.

Alderman Copps was concerned that a parking lot would be facing Mohawk Road and she did not agree with this.

In response to a question from Alderman Charters, Alderman Merling stated that the uses which should be permitted are banks and financial institutions, professional business offices excluding medical offices, day nursery and art gallery.

Alderman Eisenberger suggested tabling the matter in order to reach consensus.

Mr. Ariens stated that Mr. McDowell is prepared to accept the four uses as listed by Alderman Merling.

Following discussion, the Committee agreed to recommend to Council the recommendation of the Director of Planning and Development dated 1995 September 26 as amended as follows:

(a) That approval be given to Official Plan Amendment No. 133 to redesignate the subject lands from "Major Institutional" to "Commercial", and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That Zoning Application 95-18, Elite Realty Corporation, prospective owner, requesting a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified, to permit limited commercial uses within the existing building, for property located at 775 and 779 Upper Wentworth Street, shown on the attached map marked as APPENDIX "C", be approved on the following basis:

(i) That the subject lands be rezoned from "D" ((Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial) District; and,

(ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:

1. Notwithstanding Section 14A. (1) of Zoning By-law No. 6593, only the following uses shall be permitted and only within the existing building:

(a) a bank or financial institution; and,

(b) a day nursery; and,

(c) a business or professional person's office, excluding medical and dental; and,

(d) a photographer's or artist's studio; and,

(e) an art gallery; and,

(f) a business identification sign that is wall of an occupancy or use, that complies with the following requirements:

(i) No sign shall exceed 2.0 metres in height;

(ii) The total aggregate area of all signs shall not exceed 0.5 square metres for each 0.5 metres of exterior lineal face of the building;

(iii) Every sign shall be parallel to the wall to which it is affixed; and,

(iv) No sign shall be illuminated unless the source of light is steady and suitably shield to contain the illumination.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1348, and that the subject lands on Zoning District Map E-27 be notated S-1348;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27 for presentation to City Council;

(v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 133 by the Regional Municipality of Hamilton-Wentworth;

(c) That the Approved Burkholme Neighbourhood Plan be amended by redesignating the subject lands from "Civic and Institutional" to "Commercial" upon finalization of the implementing By-law; and,

(d) That amending By-law not be forwarded for passage by City Council until such time as the applicant applies for and receives site plan approval.

*Alderman Copps opposed.

4. **CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PLANNING**

Zoning Application 95-17, Madan Gopal Sharma, owner for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30"-'H' (Street-Townhouse - Holding) District, modified, for lands located at the rear of 914 Upper James Street.

Paul Mallard explained that this zoning was put in a holding provision in order to allow for soil study which was required by the Ministry of the Environment and now the conditions have been met.

As recommended by the Director of Planning and Development in a report dated 1995 September 26, the Committee recommended to Council as follows:

That Section 3(a) of the Seventh Report of the Planning and Development Committee for 1995, which applies the 'H'- Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the lands located at the rear of 914 Upper James Street fronting onto Caledon Avenue, shown on the attached map marked as APPENDIX "D", respecting Zoning Application 95-17, Madan Gopal Sharma, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" - 'H' (Street-Townhouse - Holding) District, modified, to permit seven (7) street townhouses, be REPEALED.

5. **CITY SOLICITOR AND BUILDING COMMISSIONER - PRIVATE AND CONFIDENTIAL AGENDA**

Zoning Verifications for Licence Applications (Report to be distributed at meeting)

The Committee resolved to move **in camera** to discuss potential matters of litigation and reconvened immediately thereafter with the following report:

As recommended in a report dated 1995 October 3, the Committee recommended to Council as follows:

> That the Planning and Development Committee refer the following recommendations to the Finance and Administration Committee for consideration:
>
> (i) That applicants for new licences listed in Appendix "E" be required to submit a plot plan satisfactory to the Building Department and obtain a zoning verification from the Building Department before a licence application is processed by the Clerk's Department; and
>
> (ii) That applications for licence renewals and transfers be exempt from providing a plot and zoning verification; and,
>
> (iii) That the City of Hamilton Licensing By-law 93-069 be amended accordingly.

6. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the meeting held 1995 September 20 were approved as circulated.

B. BUILDING COMMISSIONER

Hamilton Emergency Loan Program, 11 Aldridge Street

As recommended in a report dated 1995 September 22, the Committee recommended to Committee as follows:

> That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000.) be approved for Cathleen Smith, 11 Aldridge Street, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

C. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

St. Clair Boulevard Heritage Conservation District Advisory Committee - Appointment of Members

As recommended by the Secretary of LACAC in a report dated 1995 September 13, the Committee recommended to Council as follows:

> That the following individuals be formally appointed as members of the St. Clair Boulevard Heritage Conservation District Advisory Committee:

Chairperson:	David Beland
Vice-Chair:	Ingrid Tillinger
	Alex Polger
	David Angles
	Attilio Difiore
	Bruce Youngblud
	John Wade
LACAC Rep:	Brian Henley

7. OTHER BUSINESS

The Chairperson noted a piece of correspondence received by the Ministry of Citizenship Culture and Recreation which stated that a grant previously approved for the Barton Revitalization Area has been confirmed as a continuing commitment by the Ministry for 1994/95, 1995/96 and 97.

8. ADJOURNMENT

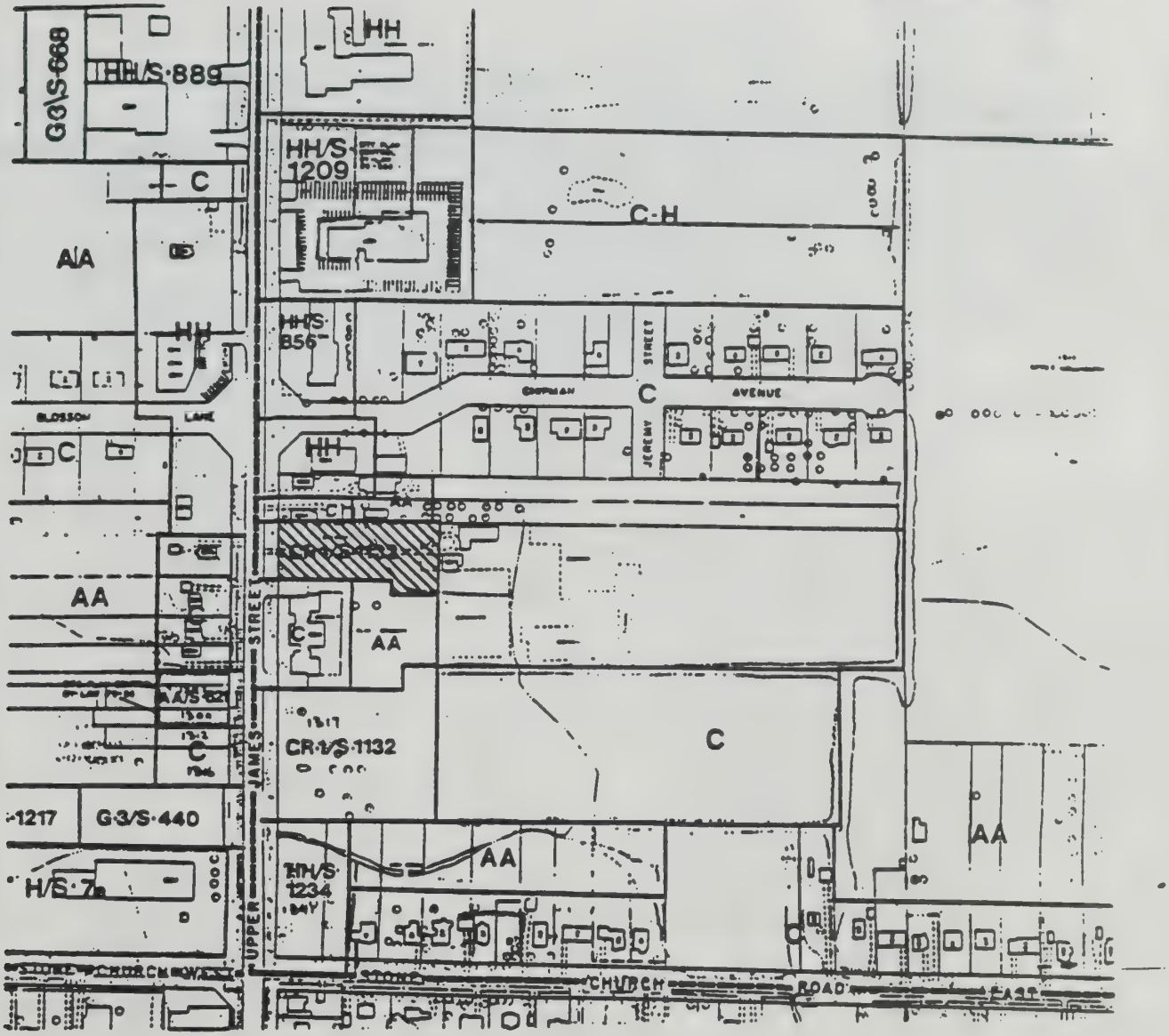
There being no further business, the Committee meeting adjourned.

Taken as read and approved

Alderman D. Drury, Chairperson
Planning and Development Committee

Tina Agnello
Secretary

Appendix "A" as referred to in Section 1 of the Minutes of the Planning and Development Committee Meeting held 1995 October 4



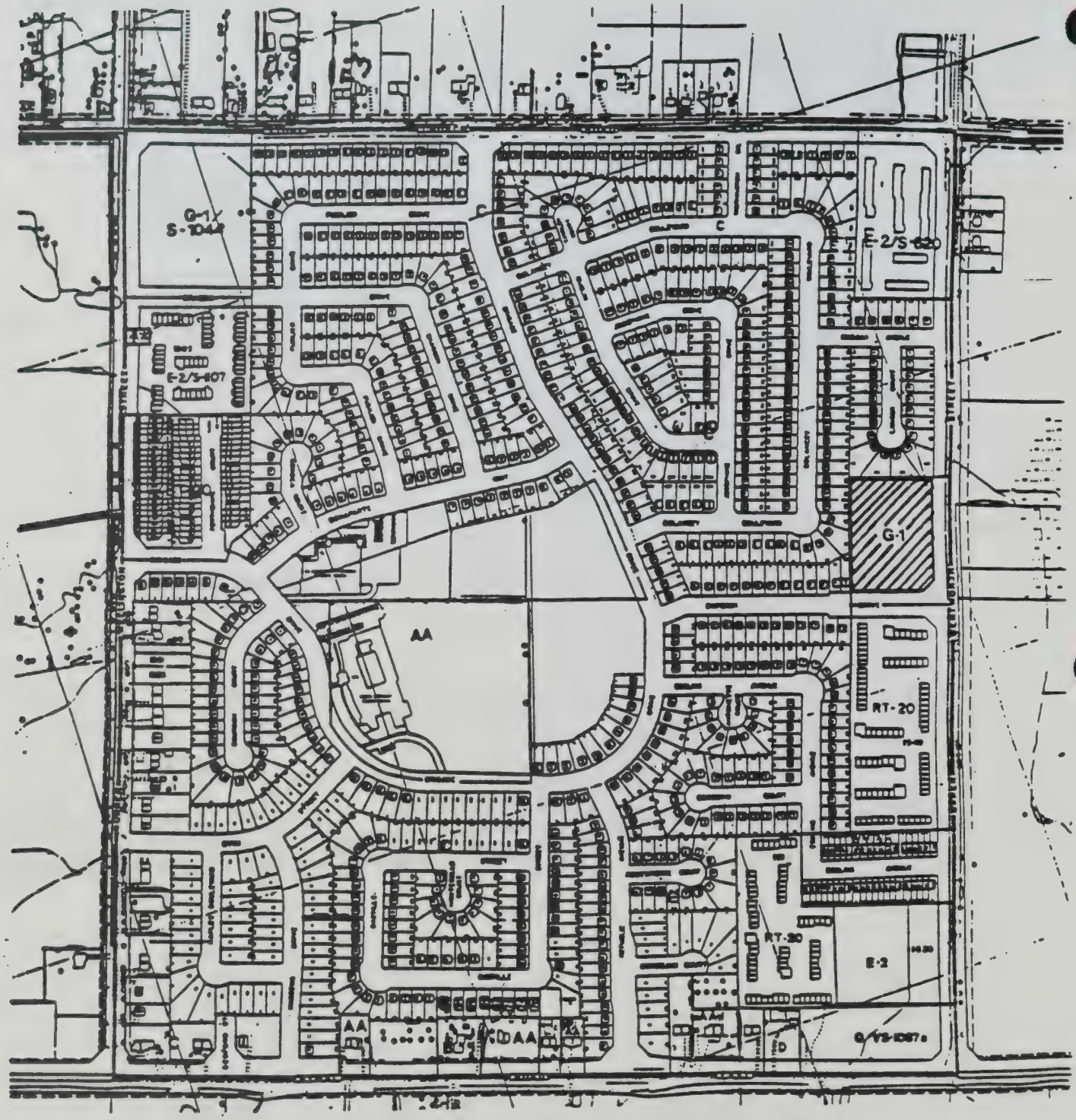
Legend

Site of the Application

ZAC-95-23

APPENDIX "A"

Appendix "B" as referred to in Section 2 of the Minutes of the Planning and Development Committee meeting held 1995 October 4

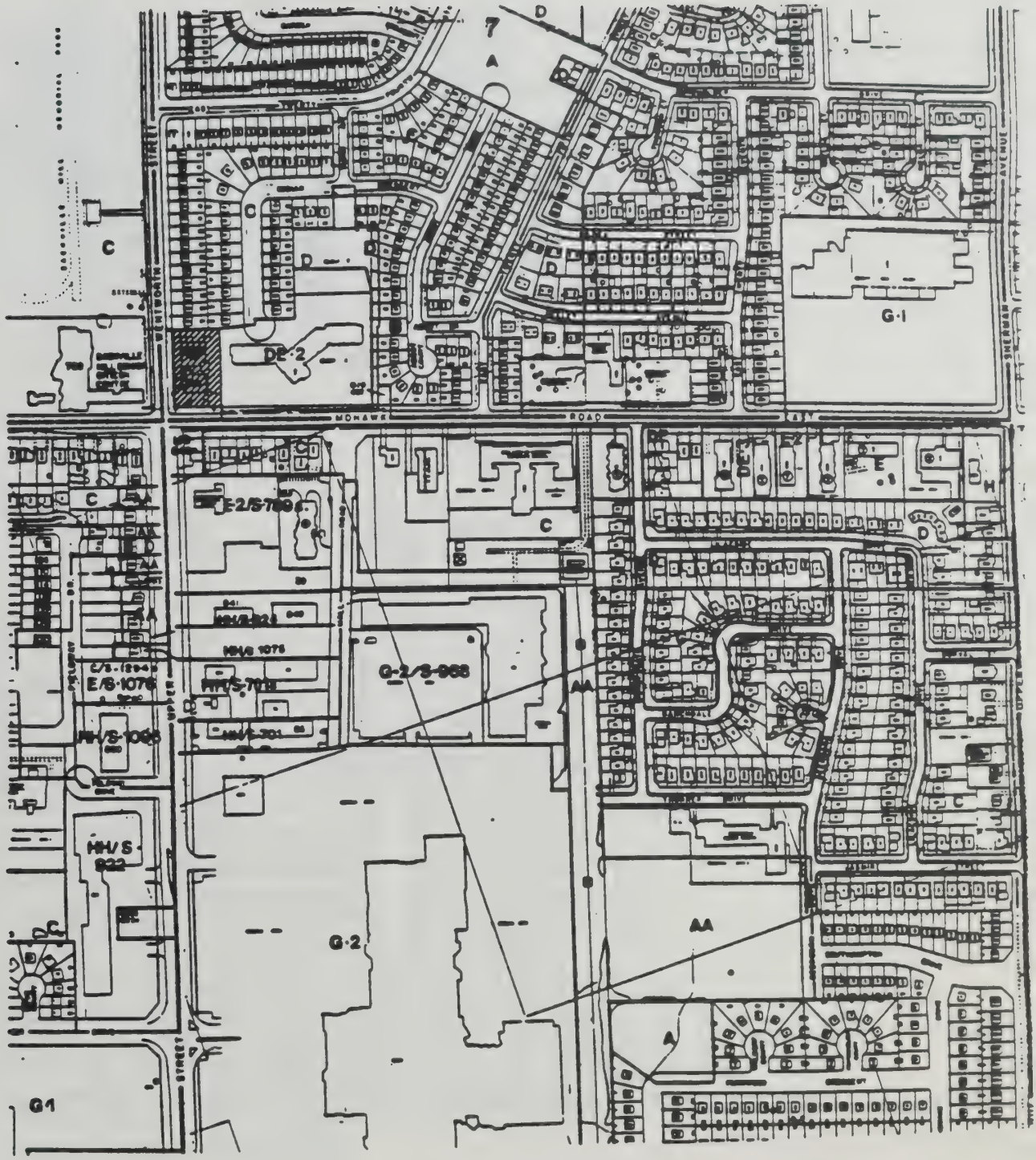


Legend

Site of the Application

APPENDIX A

Appendix "C" as referred to in Section 3 of the Minutes of the Planning and Development Committee meeting held 1995 October 4



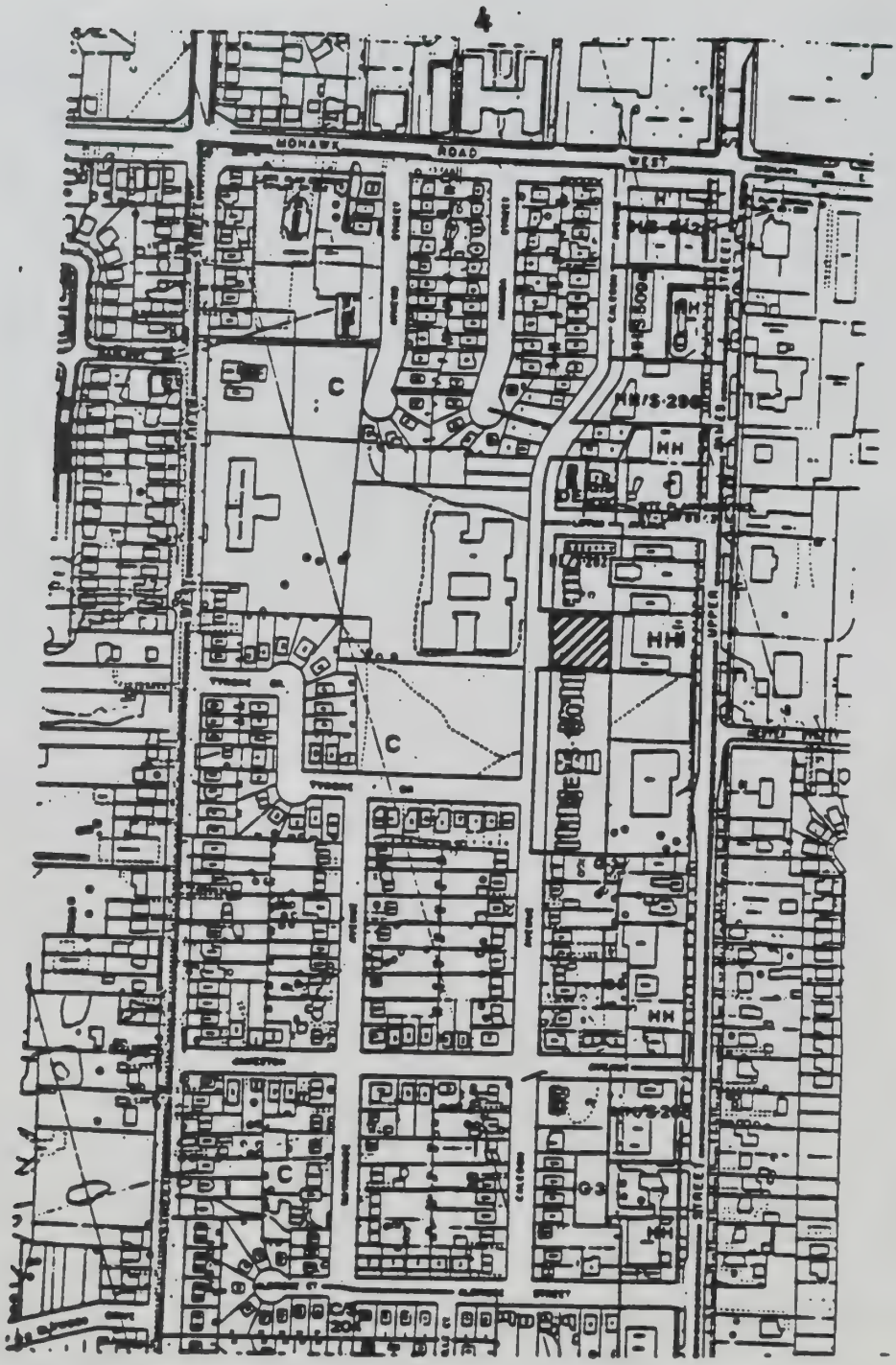
Legend

Site of the Application

ZAC-95-18

APPENDIX A

Appendix "D" as referred to in Section 4 of the Minutes of the Planning and Development Committee meeting held 1995 October 4


MOHAWK
ROAD
WEST
C
C
C
HH
HH
HH

Places of Amusement

- Billiards
- Public Hall
- Bingo Hall
- Roller Skating Rink

Eating Establishments

- Lunch Counter
- Restaurant
- Restaurant, Take Out

Flea Market

Garages

- Garage A - Auto Sales
- Garage B1 - Mechanical Repairs and Bodywork
- Garage B2 - Mechanical Repairs
- Garage B3 - Bodywork
- Garage C - Gas Pumps
- Garage D - Parking Lot
- Garage E - Car Wash

Lodging House

Second Level Lodging House

B (a) i

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
690 STONE CHURCH ROAD WEST - Tag Number 95316
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 690 Stone Church Road West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E-2/S-518 (Map W-37C)

PRESENT USE: Multiple Dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: This building is a two storey brick veneer, multiple residential dwelling with a total of fifteen units. A Professional Engineer's report declares the building unsafe, please see letter dated September 15, 1995. On September 13, 1995, an Order to Comply was issued to have the building demolished. No LACAC interest. Lot size 357.280' x 470.850'.

The owner of the property as per the demolition permit is:

Hamilton Portuguese Community Housing
305 King Street East Suite 208
Hamilton, Ontario L8N 3Y3

MP ND/zr

CITY OF HAMILTON

- RECOMMENDATION -

B (a) ii

DATE: 1995 September 29

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
310 ROBERT STREET - Tag Number 95305
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 310 Robert Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "D" Residential (Map E-12)

PRESENT USE: Single Family Dwelling

PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: To demolish an existing single family dwelling and rebuild a new single family dwelling. Due to the building being unsafe, an Order to Comply was posted on August 22, 1995. Please note the demolition permit was issued on September 29, 1995. No LACAC interest. Lot size 28' x 60'.

The owner of the property as per the demolition permit is:

Merle Balfour
310 Robert Street
Hamilton, Ontario L8L 2R6

ND/zr

CITY OF HAMILTON

- RECOMMENDATION -

B(a)iii

DATE: 1995 October 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
122 SANFORD AVENUE NORTH - Tag Number 95347
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 122 Sanford Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "H" (Map E-22)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: Owner wishes to demolish existing house and leave property vacant. The building is a vacant two storey wood frame dwelling with pebble dash exterior wall finish. The building is not very well maintained, however it does not pose a safety hazard. No LACAC interest. Lot size 22' x 80'.

The owner of the property as per the demolition permit is:

Bank of Nova Scotia
1001 Champlain Avenue Suite 100
Burlington, Ontario L7L 5Z4

ND/zr

CITY OF HAMILTON

- RECOMMENDATION -

B(a)iv

DATE: 1995 October 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
124 SANFORD AVENUE NORTH - Tag Number 95348
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 124 Sanford Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "H" (Map E-22)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: Owner wishes to demolish existing house and leave property vacant. The building is a vacant two storey wood frame dwelling with asbestos based exterior siding panels. The building has not been maintained, however it does not pose a safety hazard. No LACAC interest. Lot size 22' x 80'.

The owner of the property as per the demolition permit is:

Bank of Nova Scotia
1001 Champlain Avenue Suite 100
Burlington, Ontario L7L 5Z4

ND/zr

CITY OF HAMILTON

- RECOMMENDATION -

B(a)v

DATE: 1995 October 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
327 - 329 WENTWORTH STREET NORTH (1 building) - Tag Number 95339 (95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 327 - 329 Wentworth Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: J/S-647 and 647b (Map E-12)

PRESENT USE: Residential (4 unit total)

PROPOSED USE: Vacant

BRIEF DESCRIPTION: Due to a fire on September 27, 1995, an Order to Comply was issued on September 28, 1995 to have this building demolished. This was a two storey protected frame dwelling. No LACAC interest. Lot size 48.750' x 100.0'.

The owner of the property as per the demolition permit is:

Reuter Herbert, In Trust
3144 Homestead Drive
Mount Hope, Ontario L0R 1W0

ND/zr

CITY OF HAMILTON

- RECOMMENDATION -

B(a)vi

DATE: 1995 October 2

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1136 WEST 5TH STREET - Tag Number 95288
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1136 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "AA" Agricultural (Map W-9D)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Church

BRIEF DESCRIPTION: This building is a one storey wood frame construction single family dwelling. Owner wishes to demolish the existing dwelling and build a church. No LACAC interest. Lot size 219.79' x 396.0'.

The owner of the property as per the demolition permit is:

Christian and Missionary Alliance
Eastern and Central Canadian District
Parkview Church

ND/zr

B(b)i

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
447 Upper Gage Avenue (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, three hundred and ninety-four dollars ($1,394.) be approved for Mr. and Mrs. T. Selemidis, 447 Upper Gage Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Mr. and Mrs. Selemidis, 447 Upper Gage Avenue in the amount of $1,394.00. The roof has been repaired, and the Department recommends approval in the amount of $1,394. at 8% interest and amortized over five (5) years.

LCK/MM/dc
c.c. R. Camani, Treasury

B(6)ii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
221 Lawnhurst Crescent (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred dollars ($1,900.) be approved for Mr. and Mrs. H. Kizilian, 221 Lawnhurst Crescent, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Mr. and Mrs. H. Kizilian, 221 Lawnhurst Crescent in the amount of $1,900. The roof has been repaired, and the Department recommends approval in the amount of $1,900. at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

B(b)iii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
739 Cannon Street East (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of five hundred and ninety-nine dollars ($599.) be approved for Barbara Savchuk, 739 Cannon Street East, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Barbara Savchuk, 739 Cannon Street East in the amount of $599. The roof has been repaired, and the Department recommends approval in the amount of $599. at 8% interest and amortized over five (5) years.

LCK/MM/dc
c.c. R. Camani, Treasury

B(b) iv

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
22 Mahony Avenue (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000.) be approved for Dolly Homer, 22 Mahony Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Dolly Homer, 22 Mahony Avenue in the amount of $2,000. The roof has been repaired, and the Department recommends approval in the amount of $2,000. at 8% interest and amortized over five (5) years.

LCK/MM/dc
c.c. R. Camani, Treasury

B(v)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
578 Upper Paradise Road (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000.) be approved for Idalina Cordeiro, 578 Upper Paradise Road, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Idalina Cordeiro, 578 Upper Paradise Road in the amount of $2,000. The roof has been repaired, and the Department recommends approval in the amount of $2,000. at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

B(c)i

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 17

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Commercial Loan Program
359 Barton Street East (95.2.4.2.1.A)(95.2.14)

RECOMMENDATION:

1. a) That a Commercial Loan in the amount of twenty five thousand dollars ($25,000.) to Lawrence Seng-Tat Wong for rehabilitation of 359 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 3/8 per cent, amortized over 10 years; and,

   b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program, and;

2. a) That a Commercial Loan from the Barton Street Revitalization Fund in the amount of five thousand ($5,000.) to Lawrence Seng-Tat Wong for exterior storefront improvements to 359 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 3/8 per cent, amortized over 10 years, and;

   c) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 359 Barton Street East has applied for assistance under the City of Hamilton's Commercial Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 74-74 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loans and grants to Lawrence Seng-Tat Wong for improvements to 359 Barton Street East:

1. $25,000. loan amortized over ten years at 4 3/8 percent interest. Grant portion $12,500. Security: Promissory Note and lien. Monthly payments $257.64.

2. $5,000. loan amortized over ten years at 4 3/8 percent interest. Grant portion $2,500. Security: Promissory Note only. Monthly payments $75.00.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

B(c)ii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Loan Program
361 Barton Street East (95.2.4.2.1.A)(95.2.14)

RECOMMENDATION:

1. a) That a Commercial Loan increase of nineteen thousand, eight hundred and eighteen dollars ($19,818.) to Creative Arts Inc. for improvements to 361 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The total loan is now $25,000. The interest rate is set at 4 7/8 percent, amortized over ten years, and;

   b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program, and;

2. a) That a Commercial Loan from the Barton Street Revitalization Fund in the amount of one thousand, nine hundred and seventy-two dollars ($1,972.) to Creative Arts Inc. for exterior storefront improvements to 361 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set a 4 7/8 per cent, amortized over 10 years, and;

   b) That a grant from the Barton Street Revitalization Fund in the amount of nine hundred and eighty-six dollars ($986.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

.../2

BACKGROUND:

1. City Council at their meeting held 1995 May 9 approved a loan application under the subject program in the amount of $5,182. Subsequently, the applicant has met the criteria for additional work costing $19,818. The Building Department, Housing and Loans Division, therefore recommends increasing the owner's application to a maximum loan of $25,000. Grant portion $12,500. Security: Promissory Note and lien. The loan is to be amortized over 10 years at 4 7/8 per cent interest with a monthly payment of $263.58.

2. The Building Department, Housing and Loans Division, recommends the approval of a Commercial Loan to Creative Arts Inc., in the amount of $1,972., amortized over a period less than seven years at 4 7/8 per cent interest. Grant portion $986.00. Security: Promissory Note only. Monthly payment $75.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Powers, Law Department

B(c)iii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Loan Program
470 Barton Street East (95.2.4.2.1.A)(95.2.14)

RECOMMENDATION:

1. That a Commercial Loan increase of eight hundred and twelve dollars ($812.) to John Hilger for improvements to 470 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The total loan is now $21,856. The interest rate is set at 4 1/2 percent, amortized over ten years, and;

2. That a grant from the Barton Street Revitalization Fund in the amount of ten thousand, nine hundred and twenty-eight dollars ($10,928.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

City Council at their meeting held 1995 June 27 approved a loan application under the subject program in the amount of $21,044. Since that time it has been determined that additional work costing $812. was necessary. The Building Department, Housing and Loans Division, therefore recommends increasing the owner's application to a maximum loan of $21,856. The loan is to be amortized over 10 years at 4 1/2 per cent interest with a monthly payment of $226.55.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Powers, Law Department

B(c) iv

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng
Building Commissioner

SUBJECT: Commercial Loan Programme
1038 - 1048 King Street West, Hamilton (95.2.4.2.1.A)

RECOMMENDATION:

That a Commercial Loan in the amount of seventy-five thousand dollars ($75,000.) be approved for Andreas Christoforou for improvements at 1038-1048 King Street West. The interest rate will be 4 per cent amortized over ten years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 1038-1048 King Street West has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Westdale Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to Andreas Christoforou for improvements to 1038-1048 King Street West in the amount of $75,000. The loan will be amortized over a ten year period at 4 per cent interest. The monthly payments will be $759.34 and will be secured by a Promissory note and a lien registered on title.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Powers, Law Department

C.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 16
CI-86-L (revised)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Sign Posting Requirements for Subdivision Applications

RECOMMENDATION:

That the Planning and Development Committee direct staff to hold a Public Meeting regarding sign posting requirements for subdivision and consent applications and that the appropriate public notice be given.

V. Abraham J. S. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- City Initiative 86-L (Zoning By-law No. 87-79)

  In 1987 City Council passed Zoning By-law 87-79 to permit the erection of "Public Notice" signs on properties for which an official plan amendment or rezoning application had been made. The aforementioned by-law was the result of City Initiative 86-L to resolve the problem in developing areas where new owners had not been registered on the most recent assessment list and as such would not be circulated a notice of the public

meeting. As such, Planning Department staff recommended that Council establish a sign posting policy whereby a public notice sign would have to be posted prior to the public meeting being scheduled. This process has worked effectively in advising surrounding residents and property owners that a development application has been made.

- Public Notification Requirements for Subdivision Applications

  For subdivision applications made prior to March 28, 1995, there is no requirement for a public meeting. Notwithstanding this, it is the usual practise for the Committee to consider the proposed plan of subdivision simultaneously with the rezoning, and if necessary, official plan amendment (OPA) application. All property owners and tenants within 120 metres of a proposed rezoning or official plan amendment are notified of the public meeting. However, in those situations where an application for a rezoning and OPA is not required or has not made, then the surrounding owners and tenants may not be aware of the proposed subdivision application.

  The Planning Act, as revised by Bill 163, now requires that a public meeting be held for all plans of subdivision before making a decision on the proposed plan of subdivision. City Council has agreed to give notice and hold the formal public meeting with respect to Draft Plans of Subdivision on behalf of the Region given that the City of Hamilton presently holds a public meeting prior to Councils's decision on a rezoning application. In those cases where there is a proposed subdivision and rezoning, the two public meetings are combined in order that the details of the rezoning and subdivision can be presented to the public at the same meeting and Council can consider all aspects of the proposed development concurrently.

COMMENTS:

1. The proposal complies with the City of Hamilton Official Plan.

2. The posting of signs on properties subject to a subdivision application is appropriate in that it would serve as an additional mechanism to advise residents when a development proposal is being considered by the City.

3. Applicants are presently required to post a sign for official plan amendment and rezoning applications. As such, the standard sign wording can be modified to include the appropriate additional information regarding the proposed plan of subdivision (eg number of lots and blocks).

4. Approval of this initiative would necessitate a revision to Council policy regarding sign posting. Specifically, Council should amend its existing policy regarding sign posting requirements for development applications to require that applicants post a sign advising

that an application for approval of a draft plan of subdivision has been made. The sign posting requirements for a subdivision application can be combined with the sign for an official plan amendment and/or rezoning application.

In addition, given Council's recent decision regarding delegation of authority for "consents", it would be appropriate to include consents in Council's policy on sign posting. Applicants are required by the Regional Land Division Committee to post a standard 21 x 28 cm (8½" x 11") sign on their property when a consent application has been made. This requirement should continue if consent authority is delegated to the City.

5. The definition of "sign, public notice" in Zoning By-law No. 6593 should be revised to read as:

> "**sign, public notice**" shall mean a sign containing content advertising that an application for an official plan amendment and/or an application for an amendment to Zoning By-law No. 6593 and/or an application for the approval of a plan of subdivision and/or an application for consent has been made, and that the application is, or applications are, being considered by the City of Hamilton."

6. This report has been prepared in consultation with the Law Department. In this regard, the Law Department supports the revised definition.

Recommendation

In keeping with the requirements of the Planning Act, it is appropriate to schedule a public meeting of the Planning and Development Committee to consider the proposed amendment.

SR/sr
CI86-L.2nd

D.

CITY OF HAMILTON

-RECOMMENDATION-

DATE: 1995 October 25

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary,
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Secretary, Hamilton Historical Board: Victoria Hall and MacKay Building dated 1995 September 19

(b) Minister of Citizenship, Culture and Recreation: Provincial Funding for 1. Cultural Industries Information Centre, 2. Region Cultural Enterprises Project, and 3. Barton Street Revitalization, distributed 1995 October 3.

(c) Director of Planning and Development and Chief Administrative Officer: 1995 Current Budget dated 1995 October 19.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure followed for these matters is recorded.

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1995



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF A SPECIAL MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

OCT 30 1995

GOVERNMENT DOCUMENTS

Tuesday, 1995 October 31st
4:00 o'clock p.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

1. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC DEPARTMENT**

   Public Works and Traffic Department, Community Renewal, Parks Division - 1996-2005 Provisional Capital Budget Report

2. **DIRECTOR OF PLANNING AND DEVELOPMENT**

   Delegation of Subdivision Approval from Region to City

3. **PRIVATE AND CONFIDENTIAL AGENDA**

4. **CONSENT AGENDA**

5. **OTHER BUSINESS**

6. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
3.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
4.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
5.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
6.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
7.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recircularized if application is modified
8.	Rainwater Leader Bylaw	1995 July 5	Roads and Bulding Departments	Report Forthcoming
9.	CI-95-C, 11 Arthur Street South	1995 August 23		Tabled at the Finance and Administration Committee"s request
10.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
11.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23	Tabled at the request of the applicant	

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 16

REPORT TO: Tina Agnello
Secretary, Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic Department

SUBJECT: Public Works & Traffic Department, Community Renewal, Parks Division, 1996-2005 Provisional Capital Budget.

RECOMMENDATION:

1. That the attached capital projects from the Public Works and Traffic Department, Community Renewal, Parks Division, be considered for inclusion in the ten year 1996-2005 Provisional Capital Budget; and,

2. That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

C Luft-Eagland for
D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

All development cost estimates have been prepared by the Public Works and Traffic Department. The annual current budget impact for each project is included with the capital budget submission.

From a legal perspective, all issues of a legal nature that may arise during the implementation of these development projects will be forwarded on an individual basis to the Planning and Development Committee for consideration.

There are no new staffing positions proposed with these Public Works and Traffic Department Capital Budget Projects.

BACKGROUND:

The following is a brief explanation of the 1996-2005 Capital Budget submission of Community Renewal, Public Works and Traffic Department. The sequence of projects coincides with the rank number assigned in the Capital Budget Program Submission as determined by the Public Works and Traffic Department with the exception of the neighbourhood revitalization projects:

1. **Neighbourhood Revitalization Projects**.

Community Renewal staff, Parks Division, Public Works and Traffic Department, formerly applied for funding towards the revitalization of older neighbourhoods under the Provincial Government's Program for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) that preceded the jobsOntario Program. The Department was successful in receiving allocations under P.R.I.D.E. on a regular basis. In the most recent neighbourhoods identified for revitalization (Crown Point East/McAnulty) staff have carried out a comprehensive public participation process to identify items for expenditure for funding. Items identified include development/redevelopment of parks; tree planting and buffering of incompatible uses. It was the intention of staff to apply for subsidy under the jobsOntario Program but with the recent Provincial election the Program is frozen and it is unclear whether the Program will continue or be replaced. Provincial staff had previously advised staff that by carrying out a public participation process that resulted in priorities identified by the residents of the neighbourhoods, an application under the jobsOntario Program would be viewed more favourably. Staff will apply for subsidy if the Program is resurrected or replaced.

The neighbourhood areas are identified through the Parks Staff Committee on a needs basis. Existing infrastructure within the area is reviewed to determine the areas of priority for revitalization. Recommendations are then channelled through the Parks and Recreation Committee and ultimately City Council and adopted as part of the Parks Expenditure Policy.

Areas identified for improvements include: Crown Point East/McAnulty Phase II, Stipeley South, Parkview East and West and Blakeley/St. Clair. The City's cost for each project area amounts to approximately $400,000. with the exception of the Parkview East and West. The Parks Development and Maintenance Section of the Public Works and Traffic Department has completed work at Leaside, Glow and Woodward Park all in the Parkview East and West area, therefore the capital funding allotment for this project area has been reduced to $200,000. in recognition of these commitments.

Total 1998 $542,000
(includes $135,000 subsidy)
Total 2001 $551,000
(includes $138,000 subsidy)
Total 2002 $266,000
(includes $66,000 subsidy)
Total 2003 $532,000
(includes $132,000 subsidy)

2. **Ferguson Avenue Revitalization - Implementation**

An intensive public participation process was undertaken for the preparation of a Master Plan for the revitalization of Ferguson Avenue. The process consisted of two and one-half years of meetings with a stakeholders committee and three public workshops where the needs, visions and desires of the community at large were gathered and incorporated into the Master Plan which reflects many aspects of Vision 2020. Staff are now in the midst of finalizing the document and plan to proceed to a Public Planning and Development Committee meeting in the Fall of 1995. The Master Plan identifies the opportunity to create a linkage between the Escarpment, the downtown and the Bay with emphasis on pedestrians and cyclists.

Total 2001-2003 $5,225,00
(includes $2,585,000 subsidy)

3. **Hughson Street Redevelopment, Downtown Action Plan Phase I**

This project, at a gross cost of $743,000 is the first phase of a two-phase project on Hughson Street brought on by development pressures of the GO extension to Hamilton. Hughson Street between King and Hunter Streets will function as an excellent pedestrian connection from the GO Station to the downtown core and other major downtown attractions.

Total 2002 $743,000

4. **The Commercial Improvement Program - Phase II**

At the present time approximately $350,000 remains within the Commercial Improvement Program, and it is anticipated that these funds will be depleted by the end of 1996. The objective of the Program is to finance streetscape improvements on publicly owned lands within Hamilton's B.I.A.'s. Items approved for funding have included: benches, planters, banners, lighting, sidewalk widening, speciality paving etc. Included as an eligible item is the funding of murals placed within the B.I.A.'s up to 50% of the total cost, to a maximum of $5,000. Also eligible are comprehensive studies the B.I.A.'s have had undertaken to a maximum of $2,500. or 50% of the total

cost. The studies provide B.I.A. Board's and staff, guidelines for future growth and development. Monies were also utilized from these funds to set-up accounts to implement the Facade and Interior Programs that are offered to property and business owners within B.I.A.'s.

A continuation of the Commercial Improvement Program will demonstrate the City's support of B.I.A.'s and help spur the economic vitality of the areas. Also, consideration must be given to future areas designated as B.I.A.'s such as Locke Street where staff have been meeting with the merchants and are taking them through the designation process. Consideration should also be given to expanding B.I.A.'s such as the International Village B.I.A. that has recently expanded.

Total 2003-2004 $2,500,000

5. Downtown Action Plan Interconnecting Streets - Phase VI

The intention of the project is to use the available funds as seed money to partner with private developers for upgrading the streetscaping around their buildings that are situated on the connecting streets in and around the downtown area. The funds will be set aside to react to possible joint ventures as they arise. Contact with developers and other stakeholders in the downtown core will be made in an attempt to form partnerships that will maximize City dollars. Combining of both public and private dollars will assist in fostering a feeling of pride in the local community.

Total 2004 $800,000

6. Hughson Street Redevelopment, Downtown Action Plan - Phase II

This project at a gross cost of $765,000 is the second phase of a two-phase project, Phase One is planned for 2002. Phase II is a logical extension of the pedestrian link from Hunter Street to Charlton Avenue and is recommended for commencement in 2004. This project will serve as a continuation of the pedestrian connection to the GO Station, the downtown core and other major downtown attractions.

Total 2004 $765,000

HM:hm
Attachments

c.c. Mr. A. Ross, City Treasurer
Mr. N. Adhya, Manager of Budgets, Treasury Department
Mr. R. Chrystian, Manager of Parks Division, Public Works & Traffic Department

The Corporation of the City of Hamilton

1996-2005 PROVISIONAL CAPITAL BUDGET PROGRAM

September 25, 1995

TABLE 4

PUBLIC WORKS DEPARTMENT - COMMUNITY RENEWAL

1995 PROJ NO.	DEPT.	PROJECT DESCRIPTION	PROJECT START	PROJECT FINISH	GROSS COST	RECEIPTS SUBSIDY	NET FINANCING 1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	ANNUAL OPERATING COST
202.0	PWD-C	CROWN POINT EAST/MCANULTY - PHASE II	1998	1998	542	135			407								29
203.0	PWD-C	FERGUSON AV IMPLEMENTATION - PEDESTRIAN/BIKE LINK - ESCARPMENT & BAY	2001	2003	5,225	2,585						800	1,000	840			104
204.0	PWD-C	STIPELEY SOUTH NEIGHBOURHOOD	2001	2001	551	138						413					29
205.0	PWD-C	PARKVIEW (EAST & WEST)	2002	2002	266	66							200				14
206.0	PWD-C	BLAKELEY/ST. CLAIR REVITALIZATION	2003	2003	532	132								400			29
207.0	PWD-C	HUGHSON ST. REDEVELOPMENT - DOWNTOWN ACTION PLAN PHASE I	2002	2002	743								743				26
208.0	PWD-C	COMMERCIAL IMPROVEMENT PRORAM - PHASE II	2003	2004	2,500									1,000	1,500		88
209.0	PWD-C	DOWNTOWN ACTION PLAN INTERCONNECTING STREETS - PHASE VI	2004	2004	800										800		21
210.0	PWD-C	HUGHSON STREET REDEVELOPMENT - DOWNTOWN ACTION PLAN PHASE II	2004	2004	765										765		27
		1996 - Sub-Total Public Works - Community Renewal (net City Costs - 8,868)			11,924	3,056	0	0	407	0	0	1,213	1,943	2,240	3,065	0	367
		1995 - Sub-Total Public Works - Community Renewal (net City Costs - 8,868)			11,924	3,056	0	0	407	0	0	1,213	1,943	2,240	3,065	0	367

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Crown Point East/McAnulty Phase II

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
This is the second phase of a two-phase project stressing improvements to the Pipeline Park in the Crown Point East Neighbourhood and St. Christopher's Park in the McAnulty Neighbourhood, along with other residential, commercial and industrial needs of the neighbourhoods. Other items of renewal could include lighting, sidewalks, accessibility of the neighbourhood, buffering, etc.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	x
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
This project will address the dilapitation of the existing infrastructure within the neighbourhood and improve the quality of life of the residents through the development of parks, buffering of incompatible uses, etc. The neighbourhoods were identified as a priority due to the degree of decaying infrastructure and lack of park space.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	
(b)	COMPLETION DATE (MONTH-YEAR)	
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 1998
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 1998

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: (Rounded to Nearest Thousand Dollars) $ 542,000.

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy and describe) At the present time, no Provincial Program exists following the Cancellation of jobsOntario. Provincial staff advise that other programme may be announced in early 1996.
$ 135,000.

(c) LESS OTHER RECEIPTS (Specify): _____
$ 407,000.

(d) NET CITY'S COST: $ _____

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ _____
- 1998	$ 407,000.	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 1998

(b) COSTS (Specify items)

-labour costs	$ 5,600.	
-equipment	$ 700.	
-materials, utilities	$ 700.	
GROSS COST (All Inclusive)		$ 7,000.

(c) LESS RECOVERY/REVENUE (specify) $ 0

(d) NET CITY'S COST $ 7,000.

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) January 1999

(f) GROSS COST (All Inclusive) $ 29,000.

-labour costs	$ 23,200.	
-equipment	$ 2,900.	
-materials, utilities	$ 2,900.	

(g) LESS RECOVERY/REVENUE (specify) $ 0

(h) NET CITY'S COST $ 29,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions At time of original submission amount based on matching maximum.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Second Phase of the Project not completed leaving the Crown Point East/McAnulty Priority One Parks underdeveloped. Hard and soft services will continue to decline.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes x ; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 202.0

(b) AT CITY'S COST OF $407,000.

(c) SCHEDULED TO START IN THE YEAR 1998

Sep. 28th 95

Signature of Department Head/ Local Board Manager *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Ferguson Avenue Implementation - Pedestrian/Bike Link - Escarpment and the Bay

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
The implementation of Ferguson Avenue is proposed as a seven-phased revitalization project. The Ferguson Avenue Master Plan was created through an intensive public participation process. The document sets out the guidelines for implementation of the project. The Master Plan is near completion and will be forwarded to City Council for its approval the fall of 1995.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	x
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	x
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
The development of the roadway will address the need to reconstruct the existing and bring up to standard and in some areas address the need to construct sidewalks. The linkage will provide the citizens of Hamilton with a complete link from the escarpment to the Bay and the Waterfront trail as well as the Niagara escarpment. The downtown component will create an area for special events and gatherings that will generate business development.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	
(b)	COMPLETION DATE (MONTH-YEAR)	
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2001
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2003

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 5,225,000.
(Rounded to Nearest Thousand Dollars)

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy At present, no Provincial
and describe) Program exists, but Provincial staff advise
that new initiatives may be available in early 1996.
$ 2,585,000.

(c) LESS OTHER RECEIPTS (Specify): _____
$ _____

(d) NET CITY'S COST: $ 2,640,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ 800,000.
- 1997	$ _____	- 2002	$ 1,000,000.
- 1998	$ _____	- 2003	$ 840,000.
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2001 (first year)
(b) COSTS (Specify items)
-labour costs $ 31,500.
-equipment $ 6,750.
-materials, utilities $ 6,750.

GROSS COST (All Inclusive) $ 45,000.

(c) LESS RECOVERY/REVENUE (specify) $ 0

(d) NET CITY'S COST $ 45,000.

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) January 2003
(after construction completion)
(f) GROSS COST (All Inclusive) $ 104,000.

-labour costs $ 72,800.
-equipment $ 15,600.
-materials, utilities $ 15,600.

(g) LESS RECOVERY/REVENUE (specify) $ 0

(h) NET CITY'S COST $ 104,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No _x_ Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions The Ferguson Avenue Revitalization Master Plan that identifies all elements proposed and associated costs.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Without this revitalization, private developers will not be encouraged to invest in Ferguson Avenue and future growth will be stifled. No direct pedestrian/bicycle link will exist between the Escarpment, the Downtown Core and the Bay. The public will be disillusioned with the public process.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes _x_; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 203.0

(b) AT CITY'S COST OF $2,640,000.

(c) SCHEDULED TO START IN THE YEAR 2001

_____ Sep. 25th 95

Signature of Department Head/ Local Board Manager | *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Stipeley South Neighbourhood

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
The Stipeley Neighbourhood south of Barton Street has a major deficiency in parkland and, therefore, contains no Priority One Park. A Priority One Park must be identified and upgraded. Hard and soft services require major requirements. The Neighbourhood is located east/central in Ward Three and is a mix of residential, industrial and commercial uses.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	x
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
The lack of park space must be addressed to improve the quality of life of the residents other improvements will result in addressing the decaying infrastructure and the buffering of residential and industrial lands. This area has been identified as one of the priority neighbourhoods that need to be revitalized due to the deteriorating conditions of the infrastructure.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	_____
(b)	COMPLETION DATE (MONTH-YEAR)	_____
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$ _____

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2001
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2001

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 551,000.
(Rounded to Nearest Thousand Dollars)

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy No Provincial subsidies
and describe) exist at the present time, but new
initiatives are expected to be announced in early 1996.
$ 138,000.

(c) LESS OTHER RECEIPTS (Specify): _____
$ _____

(d) NET CITY'S COST: $ 413,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ 413,000.
- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2001
(b) COSTS (Specify items)

-labour costs	$ 20,300.	
-equipment	$ 4,350.	
-materials, utilities	$ 4,350.	
GROSS COST (All Inclusive)		$ 29,000.
(c) LESS RECOVERY/REVENUE (specify)	$ 0	
(d) NET CITY'S COST		$ 29,000.
(e) FOLLOWING YEAR - DATE (MONTH-YEAR)	January 2002	
(f) GROSS COST (All Inclusive)		$ 29,000.
-labour costs	$ 20,300.	
-equipment	$ 4,350.	
-materials, utilities	$ 4,350.	
(g) LESS RECOVERY/REVENUE (specify)	$ 0	
(h) NET CITY'S COST		$ 29,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions At time of original submission amount based on matching maximum Provincial subsidy.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Parkland remains deficient. Neighbourhood hard services continue to deteriorate.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes x ; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 204.0

(b) AT CITY'S COST OF $413,000.

(c) SCHEDULED TO START IN THE YEAR 2001

_____ Sep. 28th 95

Signature of Department Head/ Local Board Manager *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Parkview (East and West)

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Improvements to parks, recreational, hard and soft services. Parkview Neighbourhood is adjacent to Red Hill Creek.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	x
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
The projects implemented under this program will address the dilapidated infrastructure in the neighbourhood and address the need to redevelop/develop park space. The quality of life of the residents must be improved and has been identified as one of the priority neighbourhoods to be revitalized due to the existing conditions of the infrastructure.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	_____
(b)	COMPLETION DATE (MONTH-YEAR)	_____
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$ _____

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2002
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2002

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 266,000.
(Rounded to Nearest Thousand Dollars)

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy and describe) No Provincial subsidies exist at the present time, but new initiatives are expected to be announced in early 1996. $ 66,000.

(c) LESS OTHER RECEIPTS (Specify): $

(d) NET CITY'S COST: $ 200,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$	- 2001	$
- 1997	$	- 2002	$ 200,000.
- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2002

(b) COSTS (Specify items)

-labour costs	$ 9,800.	
-equipment	$ 2,100.	
-materials, utilities	$ 2,100.	
GROSS COST (All Inclusive)		$ 14,000.
(c) LESS RECOVERY/REVENUE (specify)	$ 0	
(d) NET CITY'S COST		$ 14,000.
(e) FOLLOWING YEAR - DATE (MONTH-YEAR)	January 2003	
(f) GROSS COST (All Inclusive)		$ 14,000.
-labour costs	$ 9,800.	
-equipment	$ 2,100.	
-materials, utilities	$ 2,100.	
(g) LESS RECOVERY/REVENUE (specify)	$ 0	
(h) NET CITY'S COST		$ 14,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions At time of original submission amount based on matching maximum Provincial subsidy.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Further deterioration of Neighbourhood.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes x ; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 205.0

(b) AT CITY'S COST OF $200,000.

(c) SCHEDULED TO START IN THE YEAR 2002

_____ Sept. 28th 94

Signature of Department Head/ Local Board Manager *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Blakeley/St. Clair Revitalization

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Improvements to parks, recreational, hard and soft services. Blakeley/St. Clair are located south/central in Hamilton in Ward Three and bounded by Wentworth, Gage, Main Streets and the base of the Escarpment.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	x
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
Development of parkland will address the shortage within these neighbourhoods. Improvements to the existing infrastructure will enhance the quality of life of the residents of the area. These neighbourhoods were identified as a priority due to the existing conditions of the infrastructure and lack of parkland.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	
(b)	COMPLETION DATE (MONTH-YEAR)	
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2003
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2003

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 532,000.
(Rounded to Nearest Thousand Dollars)

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy No Provincial subsidies
and describe) exist at the present time, but new
initiatives are expected to be announced in early 1996.
$ 132,000.

(c) LESS OTHER RECEIPTS (Specify): _____
$ _____

(d) NET CITY'S COST: $ 400,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ 400,000.
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2003
(b) COSTS (Specify items)

-labour costs	$ 20,300.
-equipment	$ 4,350.
-materials, utilities	$ 4,350.

GROSS COST (All Inclusive) $ 29,000.

(c) LESS RECOVERY/REVENUE (specify) $ 0

(d) NET CITY'S COST $ 29,000.

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) January 2004

(f) GROSS COST (All Inclusive) $ 29,000.

-labour costs	$ 20,300.
-equipment	$ 4,350.
-materials, utilities	$ 4,350.

(g) LESS RECOVERY/REVENUE (specify) $ 0

(h) NET CITY'S COST $ 29,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No _x_ Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions At time of original submission amount based on matching maximum Provincial subsidy.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Further deterioration of existing hard and soft services.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes _x_; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 206.0

(b) AT CITY'S COST OF $400,000.

(c) SCHEDULED TO START IN THE YEAR 2003

_____ Sep. 28th 95

Signature of Department Head/ Local Board Manager *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Hughson Street Redevelopment - Downtown Action Plan Phase I

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Upon completion of the GO extension to Hamilton, Hughson Street will play a major role as a pedestrian path. Therefore streetscaping, pedestrian weather protection, etc. are needed from Hunter to King Streets as per the Central District Study draft Guidelines adopted by the Planning and Development Committee.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	x
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
The GO Station is a vital link to the downtown area and with improvements to the pedestrian pathway on Hughson Street will encourage more pedestrians to the downtown area hence business development for the core. The physical improvements anticipated will also address the quality of life for Hamilton's residents in conformance with the Central District Study and Vision 2020.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	
(b)	COMPLETION DATE (MONTH-YEAR)	
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2002
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2002

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: (Rounded to Nearest Thousand Dollars) $ 743,000.

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy _____
and describe) _____
_____
_____
_____ $ _____

(c) LESS OTHER RECEIPTS (Specify): _____
_____
_____ $ _____

(d) NET CITY'S COST: $ 743,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ 743,000.
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2002

(b) COSTS (Specify items)

-labour costs	$ 18,200.	
-equipment	$ 3,900.	
-materials, utilities	$ 3,900.	
GROSS COST (All Inclusive)		$ 26,000.
(c) LESS RECOVERY/REVENUE (specify)	$ 0	
(d) NET CITY'S COST		$ 26,000.
(e) FOLLOWING YEAR - DATE (MONTH-YEAR)	_____	
(f) GROSS COST (All Inclusive)		$ 26,000.
-labour costs	$ 18,200.	
-equipment	$ 3,900.	
-materials, utilities	$ 3,900.	
(g) LESS RECOVERY/REVENUE (specify)	$ _____	
(h) NET CITY'S COST		$ 26,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No _x_ Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions Based on previous Capital Projects of similar scope including inflationary measures, a more accurate estimate will be identified through the results of the Hughson Street Implementation Committee to be established in the near future.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

No pedestrian link to GO Station at Hunter from Downtown. Loss of commercial potential Downtown particularly east of James Street.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes _x_; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 207.0

(b) AT CITY'S COST OF $743,000.

(c) SCHEDULED TO START IN THE YEAR 2002

_____ Sep. 28th 95

Signature of Department Head/ Local Board Manager — *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Commercial Improvement Programme - Phase II

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Phase II of the Commercial Improvement Programme will address the physical and economic needs of Business Improvement Areas as they pertain to municipally owned lands i.e. banners, benches, light fixtures, planters, sidewalks, etc. All monies will be spent within legally defined Business Improvement Areas.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	x
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	x
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
Through the implementation of physical improvements within the existing B.I.A.'s and newly created B.I.A.'s, together with the promotion and marketing of the areas by the B.I.A.'s themselves, and the educational component for businesses as addressed through the annual Business Development Seminar, co-ordinated by the City of Hamilton, the commercial districts will attract new business thus having a positive impact on the surrounding neighbourhoods and the tax base, and ultimately the image of the City of Hamilton.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	_____
(b)	COMPLETION DATE (MONTH-YEAR)	_____
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$ _____

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2003
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2004

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 2,500,000.
(Rounded to Nearest Thousand Dollars)

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy _____
and describe) _____
_____
_____
_____ $ _____

(c) LESS OTHER RECEIPTS (Specify): _____
_____
_____ $ _____

(d) NET CITY'S COST: $ 2,500,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ 1,000,000.
- 1999	$ _____	- 2004	$ 1,500,000.
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2003

(b) COSTS (Specify items)

-labour costs	$ 24,500.	
-equipment	$ 5,250.	
-materials, utilities	$ 5,250.	
GROSS COST (All Inclusive)		$ 35,000.
(c) LESS RECOVERY/REVENUE (specify)	$ 0	
(d) NET CITY'S COST		$ 35,000.
(e) FOLLOWING YEAR - DATE (MONTH-YEAR)	January 2004	
(f) GROSS COST (All Inclusive)		$ 88,000.
-labour costs	$ 61,600.	
-equipment	$ 13,200.	
-materials, utilities	$ 13,200.	
(g) LESS RECOVERY/REVENUE (specify)	$ 0	
(h) NET CITY'S COST		$ 88,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions Based on previous Capital Projects of similar scope including inflationary measures.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Commitment to Hamilton's Business Improvement Areas by the City of Hamilton will not be demonstrated. Commercial vitality not created. New B.I.A.'s established since the implementation of Phase I Commercial Improvement Programme will not have the resources to improve their physical boundaries.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes x ; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 208.0

(b) AT CITY'S COST OF $2,500,000.

(c) SCHEDULED TO START IN THE YEAR 2003

_____ Sep. 28th 95

Signature of Department Head/ Local Board Manager *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Phase VI of the Downtown Action Plan - Interconnecting Streets

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Presently, the Downtown Action Plan includes a very defined boundary which treatment stops dramatically at its borders. Phase VI will address the transition areas from commercial to residential and also allow Public Works to develop a partnership with private developers to provide incentive dollars to upgrade the streetscaping around their buildings at a minimal cost to the City. Authorization was given to the interconnecting streets within the Study area to determine the feasibility of extending the Downtown Action Plan physical improvement.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	x
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	x
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	x
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
Linkages with other significant areas such as Hess Village, Ferguson Avenue are crucial for the well being of the downtown core. The linkages will result in more pedestrian traffic and have a positive impact on the economics of the downtown and surrounding businesses.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	
(b)	COMPLETION DATE (MONTH-YEAR)	
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2004
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2004

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 800,000.
(Rounded to Nearest Thousand Dollars)

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy _____
and describe) _____
_____
_____
_____ $ _____

(c) LESS OTHER RECEIPTS (Specify): _____
_____
_____ $ _____

(d) NET CITY'S COST: $ 800,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ 800,000.
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2004

(b) COSTS (Specify items)

-labour costs	$ 14,700.	
-equipment	$ 3,150.	
-materials, utilities	$ 3,150.	
GROSS COST (All Inclusive)		$ 21,000.

(c) LESS RECOVERY/REVENUE (specify) $ 0

(d) NET CITY'S COST $ 21,000.

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) January 2005

(f) GROSS COST (All Inclusive) $ 21,000.

-labour costs	$ 14,700.	
-equipment	$ 3,150.	
-materials, utilities	$ 3,150.	

(g) LESS RECOVERY/REVENUE (specify) $ 0

(h) NET CITY'S COST $ 21,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions Based on previous projects of similars scope.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

The Downtown Action Plan improvements lose their impact as the commercial sectors grow around it. Public and private demand for improvements will not be planned or budgeted for. Opportunities with developers will remain untapped.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes x ; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 209.0

(b) AT CITY'S COST OF $ 800,000.

(c) SCHEDULED TO START IN THE YEAR 2004

_____ Sep. 28th 95

Signature of Department Head/ Local Board Manager *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works and Traffic - Community Renewal Section

2. PROJECT NAME: Hughson Street Redevelopment - Downtown Action Plan Phase II

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
This is the second phase of a two-phase project on Hughson Street brought on by development pressures of the GO extension to Hamilton. Special treatment to enhance the pedestrian appeal such as streetscaping, pedestrian weather protection, etc. are needed from Hunter Street to Charlton Avenue as per the Central Business District Study draft Guidelines adopted by the Planning and Development Committee.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	x
(b)	HEALTH/SAFETY/ENVIRONMENT	
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	x
(e)	ECONOMIC DEVELOPMENT	x
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	x
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
The linkage to the downtown, the GO Station and Charlton Avenue creates an environment conclusive to pedestrians thus encouraging more people to venture to our downtown and having a positive impact on economic development, business development and the tax base. The environment proposed to be created is in conformance with the Central Business District Study and Vision 2020.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	
(b)	COMPLETION DATE (MONTH-YEAR)	
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$

7. (a) PROJECT STARTING DATE (MONTH-YEAR): January 2004
(b) PROJECT FINISHING DATE (MONTH-YEAR): December 2004

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: (Rounded to Nearest Thousand Dollars) $ 765,000.

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy _____
and describe) _____
_____
_____
_____ $ _____

(c) LESS OTHER RECEIPTS (Specify): _____
_____
_____ $ _____

(d) NET CITY'S COST: $ 765,000.

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ _____
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ 765,000.
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) January 2004

(b) COSTS (Specify items)

-labour costs	$ 18,900.	
-equipment	$ 4,050.	
-materials, utilities	$ 4,050.	
GROSS COST (All Inclusive)		$ 27,000.
(c) LESS RECOVERY/REVENUE (specify)	$ 0	
(d) NET CITY'S COST		$ 27,000.
(e) FOLLOWING YEAR - DATE (MONTH-YEAR)	January 2005	
(f) GROSS COST (All Inclusive)		$ 27,000.
-labour costs	$ 18,900.	
-equipment	$ 4,050.	
-materials, utilities	$ 4,050.	
(g) LESS RECOVERY/REVENUE (specify)	$ 0	
(h) NET CITY'S COST		$ 27,000.

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No _x_ Yes ___ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions Based on previous Capital Projects of similar scope including inflationary measures. A more accurate estimate will be identified through the results of the Hughson Street Implementation Committee to be established in the near future.

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

No pedestrian link to GO Station from Hunter to Charlton.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes _x_; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 210.0

(b) AT CITY'S COST OF $765,000.

(c) SCHEDULED TO START IN THE YEAR 2004

_____ Sep. 28th 95

Signature of Department Head/ Local Board Manager *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ____ *No* ____

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 19

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P.
Director of Planning

Mr. J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Delegated Authority for Subdivisions and Condominiums

RECOMMENDATION:

(a) That City Council request Regional Council to delegate the authority to approve plans of subdivision and condominium to the City of Hamilton.

(b) That upon delegation of authority for subdivision and condominium approval from Regional Council, City Council delegate, by by-law, the authority to the Director, Planning and Development Department.

(c) That the City Clerk notify the Regional Clerk and the Regional Commissioner of Planning and Development of Council's decision.

V. Abraham J. J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Delegation of authority for subdivisions/condominiums can be absorbed by the Planning Department without any disruption to services. With the establishment of the City Planning Department in April 1995, the function of processing subdivision/condominium applications within the City was transferred from the Regional Planning Department to the City without the addition of any staff. However, the Regional Planning Department maintained responsibility for subdivision/condominium approvals and related administration.

Staffing impacts would be dependent on the method of implementation. However, costs would be offset by application fees.

BACKGROUND:

o **Delegated Authority for Consents**

At its meeting of 1995 September 25, City Council approved Section 5 of the 18th Report of the Planning and Development Committee to, among other things, request Regional Council to delegate the authority for consents to the City of Hamilton.

o **Planning Act - Subdivision Delegation**

Section 51.2 of the Planning Act empowers Regional Council to delegate the authority to approve plans of subdivision to an area municipality as follows:

51.2(2) If a **regional**, county or district council or the council of the County of Oxford is the approval authority under section 51 in respect of the approval of plans of subdivision, the council may, after the prescribed notice is given, by by-law **delegate** all or any part of the **authority** to approve plans of **subdivision** to a **constituent** local or area **municipality** in respect of land situate in the local or area municipality.

In addition, the Planning Act allows for the further delegation of authority as follows:

51.2(4) If authority is delegated to a council under subsection (2), the council may in turn by by-law **delegate** all or any part of the **authority** to a **committee of council** or to an **appointed officer** identified in the by-law by name or position occupied.

COMMENTS:

Prior to recent changes to the Planning Act (Bill 163), only the Minister of Municipal Affairs had authority to delegate subdivision/condominium approvals to an area municipality. The Planning Act now assigns the authority to delegate to Regions (see BACKGROUND).

Delegated approval authority for subdivisions/condominiums would be consistent with the Sewell Commission's philosophy of decision making by the municipality closest to the citizens. Generally, there is agreement that planning development control matters should, where possible, be administered at the local/area municipal level.

A request for delegated approval authority for subdivisions/condominiums would be consistent with the City's recent approval to request delegated authority for consents. As with consents, given the urban/technical nature of subdivisions/condominiums in the City of Hamilton, delegation of approval authority would not have an effect on Regional interests. More specifically, the Regions role would change from approval authority back to commenting agency.

With the establishment of the City Planning Department in April 1995, the function of processing subdivision/condominium applications within the City was transferred from the Regional Planning Department to the City. However, the Regional Planning Department maintained responsibility for subdivision/condominium approvals and administration. Recently, City and Regional Planning staff have been meeting to develop a "Cooperative Review Agreement" with the aim of streamlining the development approval process (ie. a one-window approach). The objective is to establish streamlining practices such as joint applications, signage, public notices and public meetings, thereby avoiding duplication.

It is the opinion of City Planning staff that "one stop shopping" could best be achieved by delegation of authority for subdivision and condominium approvals. This would result in:

- less customer confusion by clarifying City/Regional roles for planning development approvals;
- enhanced customer service; and
- administrative efficiencies.

It is understood that delegated authority for subdivision and condominium approvals has been approved in York Region, and is being considered in other jurisdictions.

As with the Town of Dundas' request to receive delegated authority for consents, it is anticipated that the Region will circulate the City's request for subdivision/condominium approval authority for review and comment by area municipalities and all circulation agencies, prior to making a decision.

Should Regional Council grant the City's request, it would be appropriate for City Council to further delegate approval authority to the Director of the Planning and Development Department. This is consistent with the present situation whereby the Commissioner of Regional Planning is the delegated authority.

CONCLUSION:

Based on the foregoing, it would be appropriate for City Council to request delegation of authority for subdivision and condominium approvals from the Region.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Tuesday, 1995 October 31st
4:00 o'clock p.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

(a) Minutes of the Meeting held 1995 October 4

(b) Minutes of 1995 October 25

B. BUILDING COMMISSIONER

(a) Demolitions:

i) 690 Stone Church Road West
ii) 310 Robert Street
iii) 122 Sanford Avenue North
iv) 124 Sanford Avenue North
v) 327-329 Wentworth Street North
vi) 1136 West 5th Street

(b) Hamilton Emergency Loan Programme:

i) 447 Upper Gage Avenue
ii) 221 Lawnhurst Crescent
iii) 739 Cannon Street East
iv) 22 Mahony Avenue
v) 578 Upper Paradise Road

(c) Commercial Loan Program:

i) 359 Barton Street East
ii) 361 Barton Street East
iii) 470 Barton Street East
iv) 1030-1048 King Street West

C. **DIRECTOR OF PLANNING AND DEVELOPMENT**

Sign Posting Requirements for Subdivisions

D. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

Wednesday, 1995 October 4
9:30 o'clock a.m.
Room 233, City Hall

Aa)

The Planning and Development Committee met.

There were present:	Alderman Drury, Chairperson Alderman D'Amico, Vice-Chairperson Alderman McCulloch Alderman Merling Alderman Copps Alderman Eisenberger Alderman Charters
Regrets:	Mayor Morrow (Civic Business) Alderman Caplan (Religious Holiday)
Also present:	Alderman Collins Alderman Wilson Paul Mallard, Planning Department Bill Janssen, Planning Department Peter Lampman, Building Department Roland Karl, Traffic Department Art Zuidema, Law Department Mike Watson, Property Department Eugene Chajka, Transportation and Environmental Services Charlie Unelli, Transportation and Environmental Services Joe Schatz, City Clerk Tina Agnello, Secretary

A G E N D A

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. **Zoning Application 95-23, Hampshire Properties Inc., owner for a change in zoning from "CR-1" (Commercial-Residential) District, modified to "HH" (Restricted Community Commercial and Shopping, etc.) District for lands at 1275 Upper James Street (front portion), as shown on the attached map.**

   Submission was received from William and Carol Mercanti, 65 Chipman Ave., Hamilton

   Alderman Copps asked whether the concerns in the submission were being addressed.

   Roland Karl stated that the road is designated and there is provision for a left turn lane in long term plans but not in the current budget. The Traffic Department is also monitoring for signals.

   Alderman Merling stated that he has met with Mr. and Mrs. Mercanti who would like to have the area fully developed. Alderman Merling has no concerns with the plan.

   As recommended by the Director of Planning and Development in a report dated 1995 September 27, the Committee recommended to Council as follows:

   (a) That Zoning Application ZAC-95-23, Hampshire Properties Inc., owner, requesting a change in zoning from "CR-1" (Commercial-Residential) District, modified to "HH" (Restricted Community Commercial and Shopping, etc.) District, to permit the use of the subject lands for an automobile dealership, for

lands located at 1275 Upper James Street, as shown on the attached map marked as APPENDIX "A", be APPROVED on the following basis:

(i) That the subject lands be rezoned from "CR-1" (Commercial-Residential) District, modified, to "HH" (Restricted Community Commercial and Shopping, etc.) District; and,

(ii) That the "HH" (Restricted Community Commercial and Shopping, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

1. Notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the easterly limits of the "HH" District where they abut the residential district to the east; and,

2. That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the easterly limits of the "HH" District where they abut the residential district to the east; and,

3. Notwithstanding Section 14A(3)(a) of Zoning By-law 6593, a front yard depth of at least 24 metres shall be provided and maintained; and,

4. That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1349, and that the subject lands on Zoning District Map E-96 be notated S - 1349; and,

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-96 for presentation to City Council; and,

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the Jerome Neighbourhood Plan be amended by changing the designation of the subject lands from "Residential - Commercial & Apartments" to "Commercial" upon finalization of the implementing By-law.

*Alderman Copps opposed.

2. **Zoning Application 95-15 and Subdivision Application SAC-95-05, Wellington Chase Inc. (J. Parente), owner, for an amendment to the City of Hamilton Official Plan and for a change in zoning from "G-I" (Shopping Centre) District to "C" (Urban Protected Residential, etc.) District, for property located at the north-west corner of Emperor Drive and Upper Wentworth Street.**

As recommended by the Director of Planning and Development in a report dated 1995 September 26, the Committee recommended to Council as follows:

(a) That approval be given to Official Plan Amendment No. 132 to redesignate the subject lands from "COMMERCIAL" to "RESIDENTIAL" and to delete that portion of Special Policy Area 23 applicable to the subject lands, and the City Solicitor be directed to prepare a By-law of adoption for submission to Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to Zoning Application 95-15, Wellington Chase Inc. (J. Parente), owner, requesting a change in zoning from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District, for property located at the north-west corner of Emperor Drive and Upper Wentworth Street, shown on the attached map marked as APPENDIX "B", on the following basis:

(i) That the subject lands be rezoned from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District; and,

ii) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18D for presentation to City Council; and,

(iii) That the approved Barnstown Neighbourhood Plan be amended by redesignating the subject lands from "COMMERCIAL" to "SINGLE & DOUBLE RESIDENTIAL" upon finalization of the implementing By-law; and,

(iv) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 132 by the Regional Municipality of Hamilton-Wentworth.

3. **Zoning Application 95-18, Elite Realty Corporation, prospective owner, for an amendment to the City of Hamilton Official Plan and for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified for property located at No. 775 and 779 Upper Wentworth Street.**

A submission was received by Anne Chapman, 354 Mohawk Road East, Hamilton

Paul Mallard explained that the application is to permit a former Fire Hall and public use office to be used as offices and other commercial and retail uses.

The Applicant would like two-thirds of the building to be office space and one-third commercial.

Paul Mallard advised that the application conflicts with the neighbourhood plan. There are a broad range of uses not compatible with the existing residential use. The Planning Department is still supportive of offices and day nursery but not medical or dental offices.

Of 370 notices circulated, 11 replied in favour and 4 opposed.

John Ariens from Planning Initiatives, agent on behalf of Caldwell Bankers, was present and illustrated a diagram of the present building. He stated that there will be no perceived change to the neighbourhood with regard to traffic impacts. The high ceilings of the existing firehall are not conducive to office space so as such, the Applicant has made a list of alternate uses compatible with the building's construction.

He referred to the list of uses on Page 2 of the staff report. He stated that the Applicant is prepared to take more uses off the list.

In terms of parking, the applicant is providing 43 spaces whereas only 19 parking spaces are required for the site. Mr. Ariens stated that even if the building has only office businesses as it is right now, this would still require an amendment to the Neighbourhood Plan. He also stated that they only want to go from one form of office use to another. He stated that the existing building must be adapted and therefore there should be some flexibility and he concluded by stating that the existing building is presently designated as a major institutional site therefore the request is not an indiscriminate extension of use.

Mr. McDowell, the prospective owner of the property was present. He stated that he would like an owner occupied situation. He does not want to change the look of the building since they are the official sponsors for firefighters safety and want to maintain the building as it was when it was. Only the Health Unit side will change its appearance.

Mr. Ariens added that the impact to the Official Plan would be negligible. He also stated that the Applicant is prepared to have as uses banks and financial institutions, convenient stores, personal service shops, professional or business offices, studio/art gallery, business or commercial school and medical centre. All other uses to be deleted.

Anne Chapman of 354 Mohawk Road East was present. She stated that the area was an asphalt jungle and that retail should not be permitted in the area. She agreed to offices and stated that presently there is a highrise medical building nearby which has some vacancies.

Warren Ellis, resident of 287 Sirente Drive was present. He suggested that for the most part the uses which are proposed are acceptable but he does not wish retail to be in that building. He stated that he would not like a retail strip located along the entire length of Upper Wentworth.

Alderman Merling stated that it is a very nice location with trees and green area. Some of the trees are proposed to be chopped down. The Applicant is asking for too many uses. When it was proposed to be sold the price from the City to the Purchaser would have been different if it was assessed for use for retail and commercial, but this was not the case, as such, Alderman Merling stated that the Committee should only allow those uses which were originally asked for which were offices, daycare and related uses.

Paul Mallard stated that should the applicant accept those original uses, the by-law should be held in abeyance pending approval.

Alderman Eisenberger suggested that this building be made viable and put to good use. He did not agree with the convenience store, but did not have any objection to the other uses.

Alderman Copps was concerned that a parking lot would be facing Mohawk Road and she did not agree with this.

In response to a question from Alderman Charters, Alderman Merling stated that the uses which should be permitted are banks and financial institutions, professional business offices excluding medical offices, day nursery and art gallery.

Alderman Eisenberger suggested tabling the matter in order to reach consensus.

Mr. Ariens stated that Mr. McDowell is prepared to accept the four uses as listed by Alderman Merling.

Following discussion, the Committee agreed to recommend to Council the recommendation of the Director of Planning and Development dated 1995 September 26 as amended as follows:

(a) That approval be given to Official Plan Amendment No. 133 to redesignate the subject lands from "Major Institutional" to "Commercial", and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That Zoning Application 95-18, Elite Realty Corporation, prospective owner, requesting a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified, to permit limited commercial uses within the existing building, for property located at 775 and 779 Upper Wentworth Street, shown on the attached map marked as APPENDIX "C", be approved on the following basis:

(i) That the subject lands be rezoned from "D" ((Urban Protected Residential - One and Two Family Dwellings, etc.) District to "HH" (Restricted Community Shopping and Commercial) District; and,

(ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:

1. Notwithstanding Section 14A. (1) of Zoning By-law No. 6593, only the following uses shall be permitted and only within the existing building:

(a) a bank or financial institution; and,

(b) a day nursery; and,

(c) a business or professional person's office, excluding medical and dental; and,

(d) a photographer's or artist's studio; and,

(e) an art gallery; and,

(f) a business identification sign that is wall of an occupancy or use, that complies with the following requirements:

(i) No sign shall exceed 2.0 metres in height;

(ii) The total aggregate area of all signs shall not exceed 0.5 square metres for each 0.5 metres of exterior lineal face of the building;

(iii) Every sign shall be parallel to the wall to which it is affixed; and,

(iv) No sign shall be illuminated unless the source of light is steady and suitably shield to contain the illumination.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1348, and that the subject lands on Zoning District Map E-27 be notated S-1348;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27 for presentation to City Council;

(v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 133 by the Regional Municipality of Hamilton-Wentworth;

(c) That the Approved Burkholme Neighbourhood Plan be amended by redesignating the subject lands from "Civic and Institutional" to "Commercial" upon finalization of the implementing By-law; and,

(d) That amending By-law not be forwarded for passage by City Council until such time as the applicant applies for and receives site plan approval.

*Alderman Copps opposed.

4. **CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PLANNING**

Zoning Application 95-17, Madan Gopal Sharma, owner for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30"-'H' (Street-Townhouse - Holding) District, modified, for lands located at the rear of 914 Upper James Street.

Paul Mallard explained that this zoning was put in a holding provision in order to allow for soil study which was required by the Ministry of the Environment and now the conditions have been met.

As recommended by the Director of Planning and Development in a report dated 1995 September 26, the Committee recommended to Council as follows:

That Section 3(a) of the Seventh Report of the Planning and Development Committee for 1995, which applies the 'H'- Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the lands located at the rear of 914 Upper James Street fronting onto Caledon Avenue, shown on the attached map marked as APPENDIX "D", respecting Zoning Application 95-17, Madan Gopal Sharma, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" - 'H' (Street-Townhouse - Holding) District, modified, to permit seven (7) street townhouses, be REPEALED.

5. **CITY SOLICITOR AND BUILDING COMMISSIONER - PRIVATE AND CONFIDENTIAL AGENDA**

Zoning Verifications for Licence Applications (Report to be distributed at meeting)

The Committee resolved to move **in camera** to discuss potential matters of litigation and reconvened immediately thereafter with the following report:

As recommended in a report dated 1995 October 3, the Committee recommended to Council as follows:

> That the Planning and Development Committee refer the following recommendations to the Finance and Administration Committee for consideration:
>
> (i) That applicants for new licences listed in Appendix "E" be required to submit a plot plan satisfactory to the Building Department and obtain a zoning verification from the Building Department before a licence application is processed by the Clerk's Department; and
>
> (ii) That applications for licence renewals and transfers be exempt from providing a plot and zoning verification; and,
>
> (iii) That the City of Hamilton Licensing By-law 93-069 be amended accordingly.

6. **CONSENT AGENDA**

A. ADOPTION OF THE MINUTES

The minutes of the meeting held 1995 September 20 were approved as circulated.

B. BUILDING COMMISSIONER

Hamilton Emergency Loan Program, 11 Aldridge Street

As recommended in a report dated 1995 September 22, the Committee recommended to Committee as follows:

> That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000.) be approved for Cathleen Smith, 11 Aldridge Street, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

C. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

St. Clair Boulevard Heritage Conservation District Advisory Committee - Appointment of Members

As recommended by the Secretary of LACAC in a report dated 1995 September 13, the Committee recommended to Council as follows:

> That the following individuals be formally appointed as members of the St. Clair Boulevard Heritage Conservation District Advisory Committee:

Chairperson:	David Beland
Vice-Chair:	Ingrid Tillinger
	Alex Polger
	David Angles
	Attilio Difiore
	Bruce Youngblud
	John Wade
LACAC Rep:	Brian Henley

7. OTHER BUSINESS

The Chairperson noted a piece of correspondence received by the Ministry of Citizenship Culture and Recreation which stated that a grant previously approved for the Barton Revitalization Area has been confirmed as a continuing commitment by the Ministry for 1994/95, 1995/96 and 97.

8. ADJOURNMENT

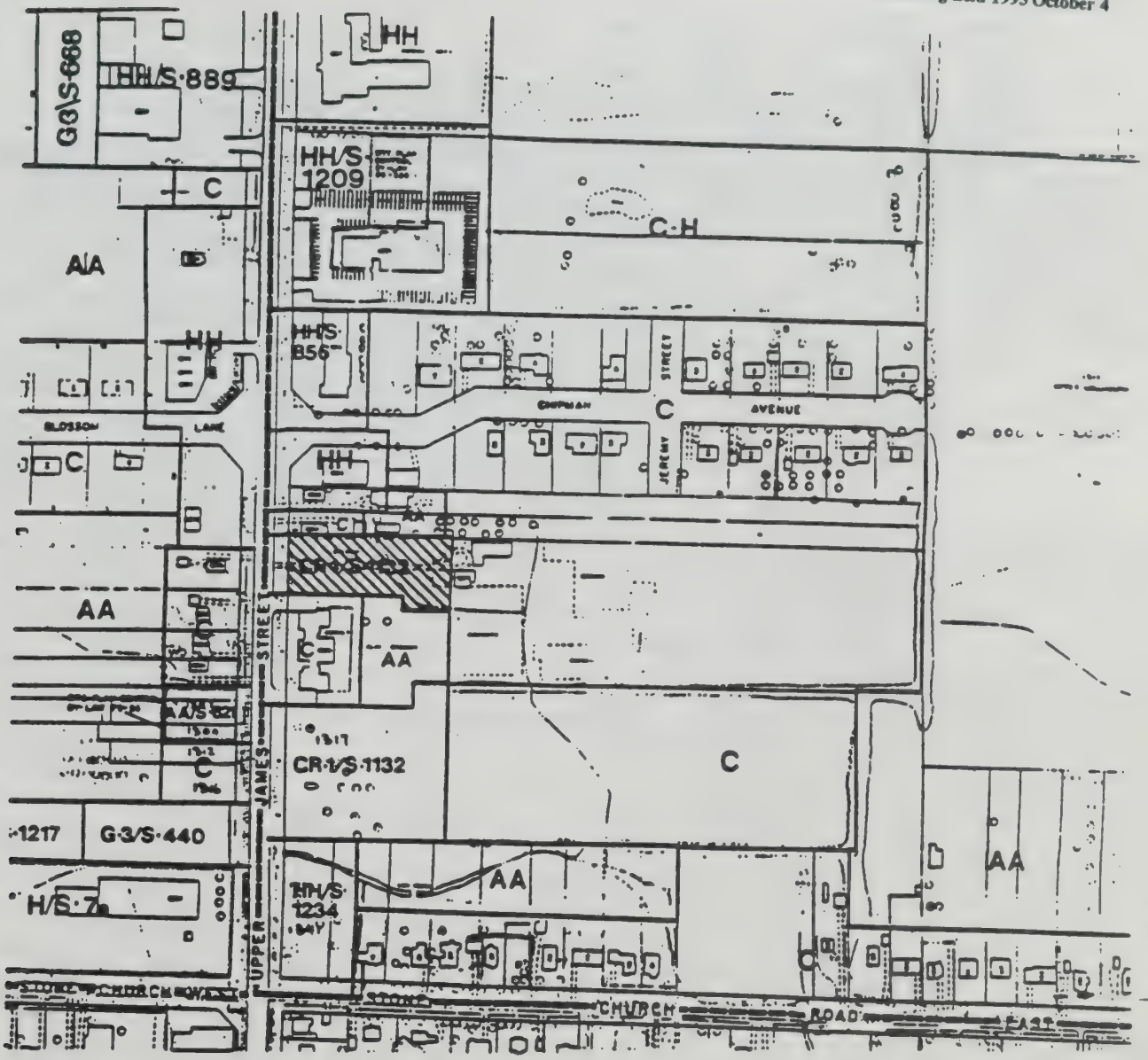
There being no further business, the Committee meeting adjourned.

Taken as read and approved

Alderman D. Drury, Chairperson
Planning and Development Committee

Tina Agnello
Secretary

Appendix "A" as referred to in Section 1 of the Minutes of the Planning and Development Committee Meeting held 1995 October 4



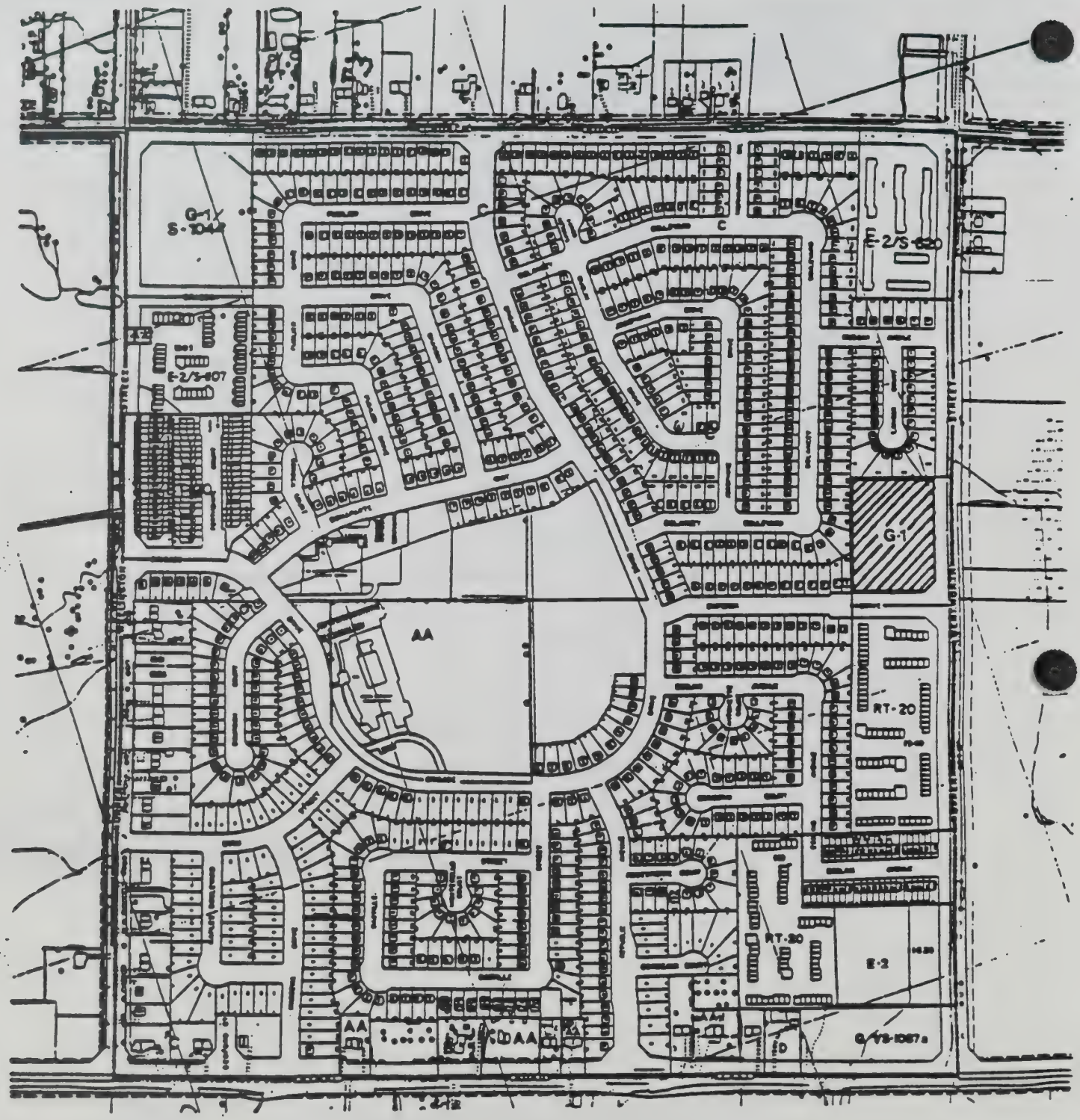
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Site of the Application

ZAC-95-23

APPENDIX "A"

Appendix "B" as referred to in Section 2 of the Minutes of the Planning and Development Committee meeting held 1995 October 4



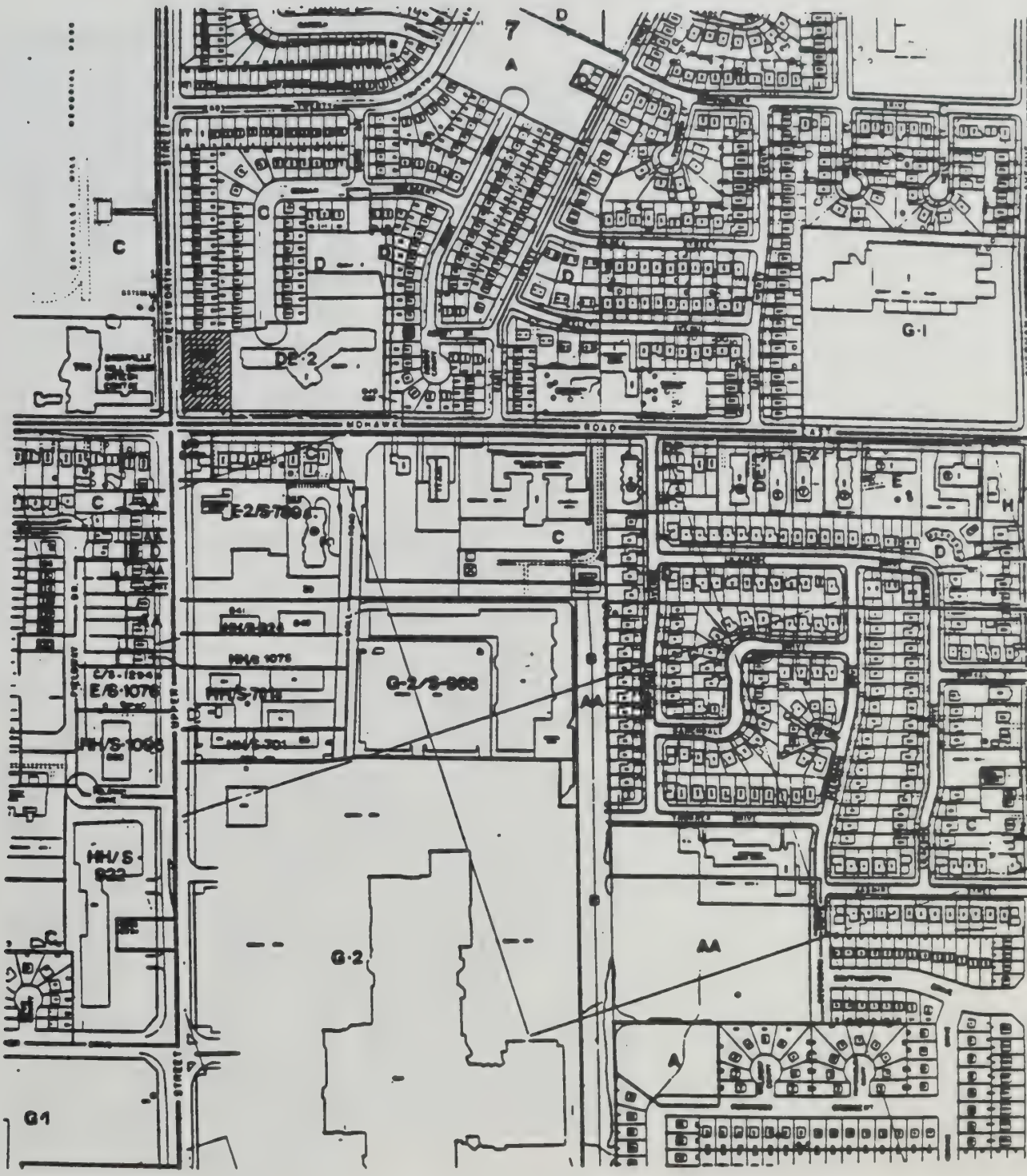
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Site of the Application

ZAC-95-15

APPENDIX A

Appendix "C" as referred to in Section 3 of the Minutes of the Planning and Development Committee meeting held 1995 October 4



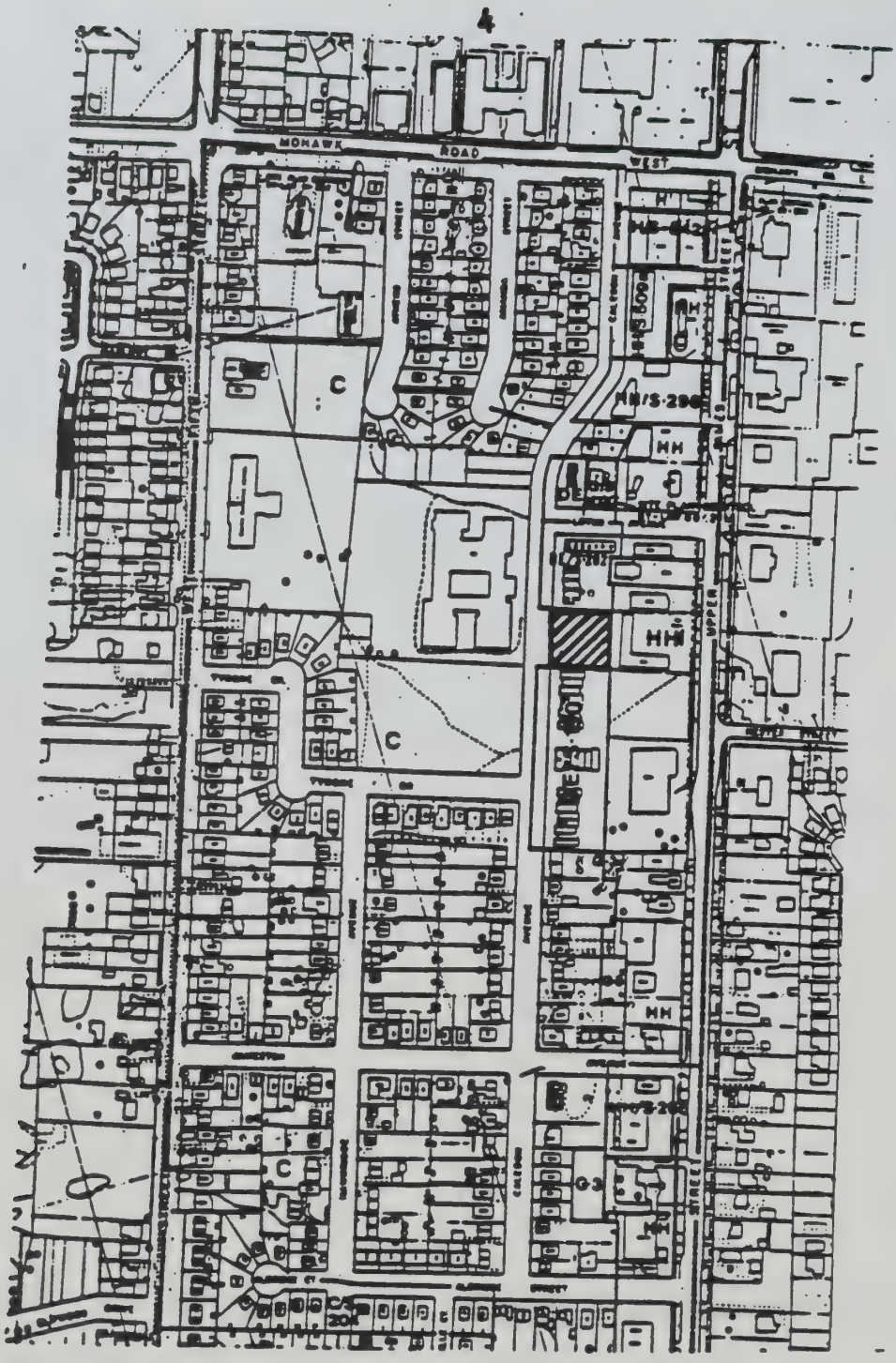
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Site of the Application

ZAC-95-18

APPENDIX A

Appendix "D" as referred to in Section 4 of the Minutes of the Planning and Development Committee meeting held 1995 October 4



Legend

APPENDIX A

Site of the Application

ZAC-95-17

Appendix "E" as referred to in Section 5 of the Minutes of the Planning and Development Committee meeting held 1995 October 4

Places of Amusement

- Billiards
- Public Hall
- Bingo Hall
- Roller Skating Rink

Eating Establishments

- Lunch Counter
- Restaurant
- Restaurant, Take Out

Flea Market

Garages

- Garage A - Auto Sales
- Garage B1 - Mechanical Repairs and Bodywork
- Garage B2 - Mechanical Repairs
- Garage B3 - Bodywork
- Garage C - Gas Pumps
- Garage D - Parking Lot
- Garage E - Car Wash

Lodging House

Second Level Lodging House

A b)

1995 October 25
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:	Alderman W. McCulloch Alderman B. Charters Alderman F. Eisenberger Alderman H. Merling
Regrets:	Mayor R. M. Morrow (Civic Business) Alderman D. Drury (Regional Business) Alderman M. Caplan (Civic Business) Alderman G. Copps (Vacation) Alderman F. D'Amico (Personal Business)
Also present:	V. Abraham, Planning Department P. Mallard, Planning Department B. Janssen, Planning Department J. Hickey-Evans, Planning Department E. Switenky, Traffic Department E. Chajka, Roads Department T. Agnello, Secretary

There being insufficient members to constitute a quorum, no meeting took place.

Tina Agnello
Secretary

CITY OF HAMILTON

- RECOMMENDATION -

B (a) i

DATE: 1995 October 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
690 STONE CHURCH ROAD WEST - Tag Number 95316
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 690 Stone Church Road West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E-2/S-518 (Map W-37C)

PRESENT USE: Multiple Dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: This building is a two storey brick veneer, multiple residential dwelling with a total of fifteen units. A Professional Engineer's report declares the building unsafe, please see letter dated September 15, 1995. On September 13, 1995, an Order to Comply was issued to have the building demolished. No LACAC interest. Lot size 357.280' x 470.850'.

The owner of the property as per the demolition permit is:

Hamilton Portuguese Community Housing
305 King Street East Suite 208
Hamilton, Ontario L8N 3Y3

NP ND/zr

CITY OF HAMILTON

- RECOMMENDATION -

B (a) ii

DATE: 1995 September 29

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
310 ROBERT STREET - Tag Number 95305
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 310 Robert Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "D" Residential (Map E-12)

PRESENT USE: Single Family Dwelling

PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: To demolish an existing single family dwelling and rebuild a new single family dwelling. Due to the building being unsafe, an Order to Comply was posted on August 22, 1995. Please note the demolition permit was issued on September 29, 1995. No LACAC interest. Lot size 28' x 60'.

The owner of the property as per the demolition permit is:

Merle Balfour
310 Robert Street
Hamilton, Ontario L8L 2R6

ND/zr

CITY OF HAMILTON

- RECOMMENDATION -

B(a)iii

DATE: 1995 October 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
122 SANFORD AVENUE NORTH - Tag Number 95347
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 122 Sanford Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "H" (Map E-22)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: Owner wishes to demolish existing house and leave property vacant. The building is a vacant two storey wood frame dwelling with pebble dash exterior wall finish. The building is not very well maintained, however it does not pose a safety hazard. No LACAC interest. Lot size 22' x 80'.

The owner of the property as per the demolition permit is:

Bank of Nova Scotia
1001 Champlain Avenue Suite 100
Burlington, Ontario L7L 5Z4

ND/zr

CITY OF HAMILTON

- RECOMMENDATION -

B(a)iv

DATE: 1995 October 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
124 SANFORD AVENUE NORTH - Tag Number 95348
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 124 Sanford Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "H" (Map E-22)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: Owner wishes to demolish existing house and leave property vacant. The building is a vacant two storey wood frame dwelling with asbestos based exterior siding panels. The building has not been maintained, however it does not pose a safety hazard. No LACAC interest. Lot size 22' x 80'.

The owner of the property as per the demolition permit is:

Bank of Nova Scotia
1001 Champlain Avenue Suite 100
Burlington, Ontario L7L 5Z4

ND/zr

CITY OF HAMILTON

- RECOMMENDATION -

B(a)v

DATE: 1995 October 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
327 - 329 WENTWORTH STREET NORTH (1 building) - Tag Number 95339 (95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 327 - 329 Wentworth Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: J/S-647 and 647b (Map E-12)

PRESENT USE: Residential (4 unit total)

PROPOSED USE: Vacant

BRIEF DESCRIPTION: Due to a fire on September 27, 1995, an Order to Comply was issued on September 28, 1995 to have this building demolished. This was a two storey protected frame dwelling. No LACAC interest. Lot size 48.750' x 100.0'.

The owner of the property as per the demolition permit is:

Reuter Herbert, In Trust
3144 Homestead Drive
Mount Hope, Ontario L0R 1W0

ND/zr

CITY OF HAMILTON

- RECOMMENDATION -

B(a)vi

DATE: 1995 October 2

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1136 WEST 5TH STREET - Tag Number 95288
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1136 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "AA" Agricultural (Map W-9D)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Church

BRIEF DESCRIPTION: This building is a one storey wood frame construction single family dwelling. Owner wishes to demolish the existing dwelling and build a church. No LACAC interest. Lot size 219.79' x 396.0'.

The owner of the property as per the demolition permit is:

Christian and Missionary Alliance
Eastern and Central Canadian District
Parkview Church

ND/zr

B(b)i

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
447 Upper Gage Avenue (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, three hundred and ninety-four dollars ($1,394.) be approved for Mr. and Mrs. T. Selemidis, 447 Upper Gage Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Mr. and Mrs. Selemidis, 447 Upper Gage Avenue in the amount of $1,394.00. The roof has been repaired, and the Department recommends approval in the amount of $1,394. at 8% interest and amortized over five (5) years.

LCK/MM/dc
c.c. R. Camani, Treasury

B(b)ii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
221 Lawnhurst Crescent (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred dollars ($1,900.) be approved for Mr. and Mrs. H. Kizilian, 221 Lawnhurst Crescent, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Mr. and Mrs. H. Kizilian, 221 Lawnhurst Crescent in the amount of $1,900. The roof has been repaired, and the Department recommends approval in the amount of $1,900. at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

B(b)iii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
739 Cannon Street East (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of five hundred and ninety-nine dollars ($599.) be approved for Barbara Savchuk, 739 Cannon Street East, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Barbara Savchuk, 739 Cannon Street East in the amount of $599. The roof has been repaired, and the Department recommends approval in the amount of $599. at 8% interest and amortized over five (5) years.

LCK/MM/dc
c.c. R. Camani, Treasury

B(b) iv

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
22 Mahony Avenue (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000.) be approved for Dolly Homer, 22 Mahony Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Dolly Homer, 22 Mahony Avenue in the amount of $2,000. The roof has been repaired, and the Department recommends approval in the amount of $2,000. at 8% interest and amortized over five (5) years.

LCK/MM/dc
c.c. R. Camani, Treasury

B(v)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
578 Upper Paradise Road (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000.) be approved for Idalina Cordeiro, 578 Upper Paradise Road, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Idalina Cordeiro, 578 Upper Paradise Road in the amount of $2,000. The roof has been repaired, and the Department recommends approval in the amount of $2,000. at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

B(c)i

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 17

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Commercial Loan Program
359 Barton Street East (95.2.4.2.1.A)(95.2.14)

RECOMMENDATION:

1. a) That a Commercial Loan in the amount of twenty five thousand dollars ($25,000.) to Lawrence Seng-Tat Wong for rehabilitation of 359 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 3/8 per cent, amortized over 10 years; and,

   b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program, and;

2. a) That a Commercial Loan from the Barton Street Revitalization Fund in the amount of five thousand ($5,000.) to Lawrence Seng-Tat Wong for exterior storefront improvements to 359 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 3/8 per cent, amortized over 10 years, and;

   c) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 359 Barton Street East has applied for assistance under the City of Hamilton's Commercial Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 74-74 and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loans and grants to Lawrence Seng-Tat Wong for improvements to 359 Barton Street East:

1. $25,000. loan amortized over ten years at 4 3/8 percent interest. Grant portion $12,500. Security: Promissory Note and lien. Monthly payments $257.64.

2. $5,000. loan amortized over ten years at 4 3/8 percent interest. Grant portion $2,500. Security: Promissory Note only. Monthly payments $75.00.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

B(c)ii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Loan Program
361 Barton Street East (95.2.4.2.1.A)(95.2.14)

RECOMMENDATION:

1. a) That a Commercial Loan increase of nineteen thousand, eight hundred and eighteen dollars ($19,818.) to Creative Arts Inc. for improvements to 361 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The total loan is now $25,000. The interest rate is set at 4 7/8 percent, amortized over ten years, and;

   b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program, and;

2. a) That a Commercial Loan from the Barton Street Revitalization Fund in the amount of one thousand, nine hundred and seventy-two dollars ($1,972.) to Creative Arts Inc. for exterior storefront improvements to 361 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set a 4 7/8 per cent, amortized over 10 years, and;

   b) That a grant from the Barton Street Revitalization Fund in the amount of nine hundred and eighty-six dollars ($986.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

.../2

BACKGROUND:

1. City Council at their meeting held 1995 May 9 approved a loan application under the subject program in the amount of $5,182. Subsequently, the applicant has met the criteria for additional work costing $19,818. The Building Department, Housing and Loans Division, therefore recommends increasing the owner's application to a maximum loan of $25,000. Grant portion $12,500. Security: Promissory Note and lien. The loan is to be amortized over 10 years at 4 7/8 per cent interest with a monthly payment of $263.58.

2. The Building Department, Housing and Loans Division, recommends the approval of a Commercial Loan to Creative Arts Inc., in the amount of $1,972., amortized over a period less than seven years at 4 7/8 per cent interest. Grant portion $986.00. Security: Promissory Note only. Monthly payment $75.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Powers, Law Department

B(c)iii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Loan Program
470 Barton Street East (95.2.4.2.1.A)(95.2.14)

RECOMMENDATION:

1. That a Commercial Loan increase of eight hundred and twelve dollars ($812.) to John Hilger for improvements to 470 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The total loan is now $21,856. The interest rate is set at 4 1/2 percent, amortized over ten years, and;

2. That a grant from the Barton Street Revitalization Fund in the amount of ten thousand, nine hundred and twenty-eight dollars ($10,928.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

City Council at their meeting held 1995 June 27 approved a loan application under the subject program in the amount of $21,044. Since that time it has been determined that additional work costing $812. was necessary. The Building Department, Housing and Loans Division, therefore recommends increasing the owner's application to a maximum loan of $21,856. The loan is to be amortized over 10 years at 4 1/2 per cent interest with a monthly payment of $226.55.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Powers, Law Department

CITY OF HAMILTON

- RECOMMENDATION -

B(c) IV

REVISED

DATE: 1995 October 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Commercial Loan Programme
1038 - 1048 King Street West (95.2.4.2.1.A)

RECOMMENDATION:

That a Commercial Loan in the amount of seventy-five thousand dollars ($75,000.) to Andreas Christoforou for improvements to 1038-1048 King Street West be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate will be 4 per cent amortized over ten years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: ~~N/A~~

BACKGROUND:

Andreas Christoforou, part owner of 1038-1048 King Street West has applied for assistance under the City of Hamilton's Commercial Loan Program. As per the terms of the program, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs. Title to the property is currently held by Andreas Christoforou and Ruth Ann Welsh. However, the applicant intends to replace Ruth Ann Welsh with John Mouskos prior to a loan advance.

The Westdale Business Improvement Area (B.I.A.) has reviewed the plans and approved the work undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to Andreas Christoforou for improvements to 1038-1048 King Street West in the amount of $75,000. The loan will be amortized over a 10 year period at 4 per cent interest. The monthly payments will be $759.34 and will be secured by a Promissory Note and a lien registered on title.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Powers, Law Department

C.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 16
CI-86-L (revised)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Sign Posting Requirements for Subdivision Applications

RECOMMENDATION:

That the Planning and Development Committee direct staff to hold a Public Meeting regarding sign posting requirements for subdivision and consent applications and that the appropriate public notice be given.

V.J. Abraham J.S. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- City Initiative 86-L (Zoning By-law No. 87-79)

  In 1987 City Council passed Zoning By-law 87-79 to permit the erection of "Public Notice" signs on properties for which an official plan amendment or rezoning application had been made. The aforementioned by-law was the result of City Initiative 86-L to resolve the problem in developing areas where new owners had not been registered on the most recent assessment list and as such would not be circulated a notice of the public

meeting. As such, Planning Department staff recommended that Council establish a sign posting policy whereby a public notice sign would have to be posted prior to the public meeting being scheduled. This process has worked effectively in advising surrounding residents and property owners that a development application has been made.

- Public Notification Requirements for Subdivision Applications

For subdivision applications made prior to March 28, 1995, there is no requirement for a public meeting. Notwithstanding this, it is the usual practise for the Committee to consider the proposed plan of subdivision simultaneously with the rezoning, and if necessary, official plan amendment (OPA) application. All property owners and tenants within 120 metres of a proposed rezoning or official plan amendment are notified of the public meeting. However, in those situations where an application for a rezoning and OPA is not required or has not made, then the surrounding owners and tenants may not be aware of the proposed subdivision application.

The Planning Act, as revised by Bill 163, now requires that a public meeting be held for all plans of subdivision before making a decision on the proposed plan of subdivision. City Council has agreed to give notice and hold the formal public meeting with respect to Draft Plans of Subdivision on behalf of the Region given that the City of Hamilton presently holds a public meeting prior to Councils's decision on a rezoning application. In those cases where there is a proposed subdivision and rezoning, the two public meetings are combined in order that the details of the rezoning and subdivision can be presented to the public at the same meeting and Council can consider all aspects of the proposed development concurrently.

COMMENTS:

1. The proposal complies with the City of Hamilton Official Plan.

2. The posting of signs on properties subject to a subdivision application is appropriate in that it would serve as an additional mechanism to advise residents when a development proposal is being considered by the City.

3. Applicants are presently required to post a sign for official plan amendment and rezoning applications. As such, the standard sign wording can be modified to include the appropriate additional information regarding the proposed plan of subdivision (eg number of lots and blocks).

4. Approval of this initiative would necessitate a revision to Council policy regarding sign posting. Specifically, Council should amend its existing policy regarding sign posting requirements for development applications to require that applicants post a sign advising

that an application for approval of a draft plan of subdivision has been made. The sign posting requirements for a subdivision application can be combined with the sign for an official plan amendment and/or rezoning application.

In addition, given Council's recent decision regarding delegation of authority for "consents", it would be appropriate to include consents in Council's policy on sign posting. Applicants are required by the Regional Land Division Committee to post a standard 21 x 28 cm (8½" x 11") sign on their property when a consent application has been made. This requirement should continue if consent authority is delegated to the City.

5. The definition of "sign, public notice" in Zoning By-law No. 6593 should be revised to read as:

> "**sign, public notice**" shall mean a sign containing content advertising that an application for an official plan amendment and/or an application for an amendment to Zoning By-law No. 6593 and/or an application for the approval of a plan of subdivision and/or an application for consent has been made, and that the application is, or applications are, being considered by the City of Hamilton."

6. This report has been prepared in consultation with the Law Department. In this regard, the Law Department supports the revised definition.

Recommendation

In keeping with the requirements of the Planning Act, it is appropriate to schedule a public meeting of the Planning and Development Committee to consider the proposed amendment.

SR/sr
CI86-L.2nd

D.

CITY OF HAMILTON

-RECOMMENDATION-

DATE: 1995 October 25

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary,
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Secretary, Hamilton Historical Board: Victoria Hall and MacKay Building dated 1995 September 19

(b) Minister of Citizenship, Culture and Recreation: Provincial Funding for 1. Cultural Industries Information Centre, 2. Region Cultural Enterprises Project, and 3. Barton Street Revitalization, distributed 1995 October 3.

(c) Director of Planning and Development and Chief Administrative Officer: 1995 Current Budget dated 1995 October 19.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure followed for these matters is recorded.

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1995

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL
NOV 7 1995
GOVERNMENT DOCUMENTS

Wednesday, 1995 November 8th
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 95-26, by Whatmough Management Inc. (Sarah Whatmough), owner, for a modification to the "D" district for lands located at 412 Aberdeen Avenue.

   Submissions: a) Sophie and Edmund Ritz, 209 Homewood Avenue, Hamilton
   b) Robert W. Morrow, 408 Aberdeen Avenue, Hamilton

2. **CONSENT AGENDA**

3. **OTHER BUSINESS**

4. **ADJOURNMENT**

Urban Municipal Collection
2nd Floor
Hamilton Public Library

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
3.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
4.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
5.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
6.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculated if application is modified
7.	Rainwater Leader Bylaw	1995 July 5	Roads and Bulding Departments	Report Forthcoming
8.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
9.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23		Tabled at the request of the applicant

1995 November 1

1.

CITY OF HAMILTON

- RECOMMENDATION -

NOV 0 1 1995

DATE: 1995 October 31
ZAR-95-26
Kirkendall North Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a modification in zoning - No. 412 Aberdeen Avenue

RECOMMENDATION:

a) That approval be given to Amended Zoning Application ZAR-95-26, Whatmough Management Inc. (S. Whatmough), owner, requesting a modification to the "D" (Urban Protected Residential -One and Two Family Dwellings, etc.) District regulations, to permit a book store on the ground floor of the existing dwelling, for property located at No. 412 Aberdeen Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations as contained in Section 10. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

1) Notwithstanding Section 10.(1) of Zoning By-law No. 6593, the following shall be permitted:

A) a retail book store on the ground floor of the existing building, with a maximum floor area not to exceed 15% of the total habitable floor area of the dwelling unit; and,

B) one non-illuminated business identification sign that is a name plate or a ground sign, subject to the following requirements:

i) the area of any sign shall not exceed 0.2 m^2;

ii) a ground sign shall be located a minimum of 3.0 m from the front lot line and east side lot line; and,

iii) a ground sign shall have a maximum vertical dimension of 1.0 m.;

b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-14 be notated S- ;

c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-14, for presentation to City Council;

d) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to modify the established "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations, for property located at No. 412 Aberdeen Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit a retail book store on the ground floor of the existing building, with a maximum floor area not to exceed 15% of the total habitable floor area of the dwelling unit. In addition, one non-illuminated business identification sign that is a name plate or a ground sign, is permitted, subject to the following requirements:

- the area of any sign shall not exceed 0.2 m^2;
- a ground sign shall be located a minimum of 3.0 m from the front lot line and east side lot line; and,
- a ground sign shall have a maximum vertical dimension of 1.0 m.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The application was to convert between 45 and 47 m^2 (approximately 480 to 505 sq. ft.) of the ground floor of the existing dwelling at No. 412 Aberdeen Avenue for a retail book store. An accessory business identification sign, either as a name plate or a very small ground sign (ie. hanging name plate style), has also been requested. The residential unit will be maintained and the applicant/owner would operate the book store and reside in the dwelling.

Amended Application ZAR-95-26

As a result of concerns expressed by the Planning Department regarding the size of the proposed book store, the application was amended on October 30, 1995, to revise the floor area for the book store to a maximum of 15% of the total floor area of the dwelling, which is consistent with home occupation type uses.

APPLICANT:

Whatmough Management Inc. (S. Whatmough), owner.

LOT SIZE AND AREA:

The subject property has:

- a frontage of 15.24 m (50 ft.) on Aberdeen Avenue;
- a depth of 37.92 m (124.42 ft.); and
- a site area of 577.72 m^2 (6,218.75 sq. ft.).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Single-family dwelling	"D" (Urban Protected

		Residential - One and Two Family Dwellings, etc.) District
Surrounding Lands		
to the north	Single and two-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the south	Automobile Service Station and single-family dwelling	"H" (Community Shopping and Commercial, etc.) District and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the west	Hydro Electric System of Hamilton utility use	"H" (Community Shopping and Commercial, etc.) District
to the east	Single-family dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule "A" - Land Use Concept of the Official Plan. Within "Residential" areas, home occupation uses are permitted, as follows:

"A.2.1.4 Home Occupation uses may be permitted subject to Council's satisfaction that the following provisions are, or will be, adequately met:

i) A Home Occupation will be carried on within a dwelling unit only by an owner occupying the dwelling, and employing only immediate family members that also occupy the dwelling;

ii) A Home Occupation will occupy only a limited floor area of the dwelling; and,

iii) The Home Occupation use will not detract from the RESIDENTIAL character of the area."

The proposal is considered a home occupation in the context of the Official Plan, and therefore, does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential" by the Approved Kirkendall North Neighbourhood Plan. On the basis that the proposal is for a home occupation type use, it complies with the Neighbourhood Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection.

- The Building Department advises:

  "1. The recognized use of the property is as a single-family dwelling. It may be possible to convert to a two family dwelling in accordance with the requirements of Section 19 of the Zoning By-law or Bill 120.

  2. If only 480 square feet is used for the book store, additional parking for the commercial use is not required."

- The Regional Roads Department advises:

  "1. There are public watermains and combined storm and sanitary sewers available to service these lands.

  2. The designated road allowance width of Aberdeen Avenue is 20.12 m. Therefore we do not anticipate any further road allowance widenings at this time.

  3. The applicant should be advised that according to our records, the alley to the rear of the subject lands is public assumed.

  4. Comments from the City of Hamilton Department of Public Works and Traffic should be considered. It is our opinion that this type of land use without the provision of adequate off street parking and manoeuvring facilities, which would permit vehicles to enter the site and Aberdeen Avenue in a forward manner, should be discouraged.

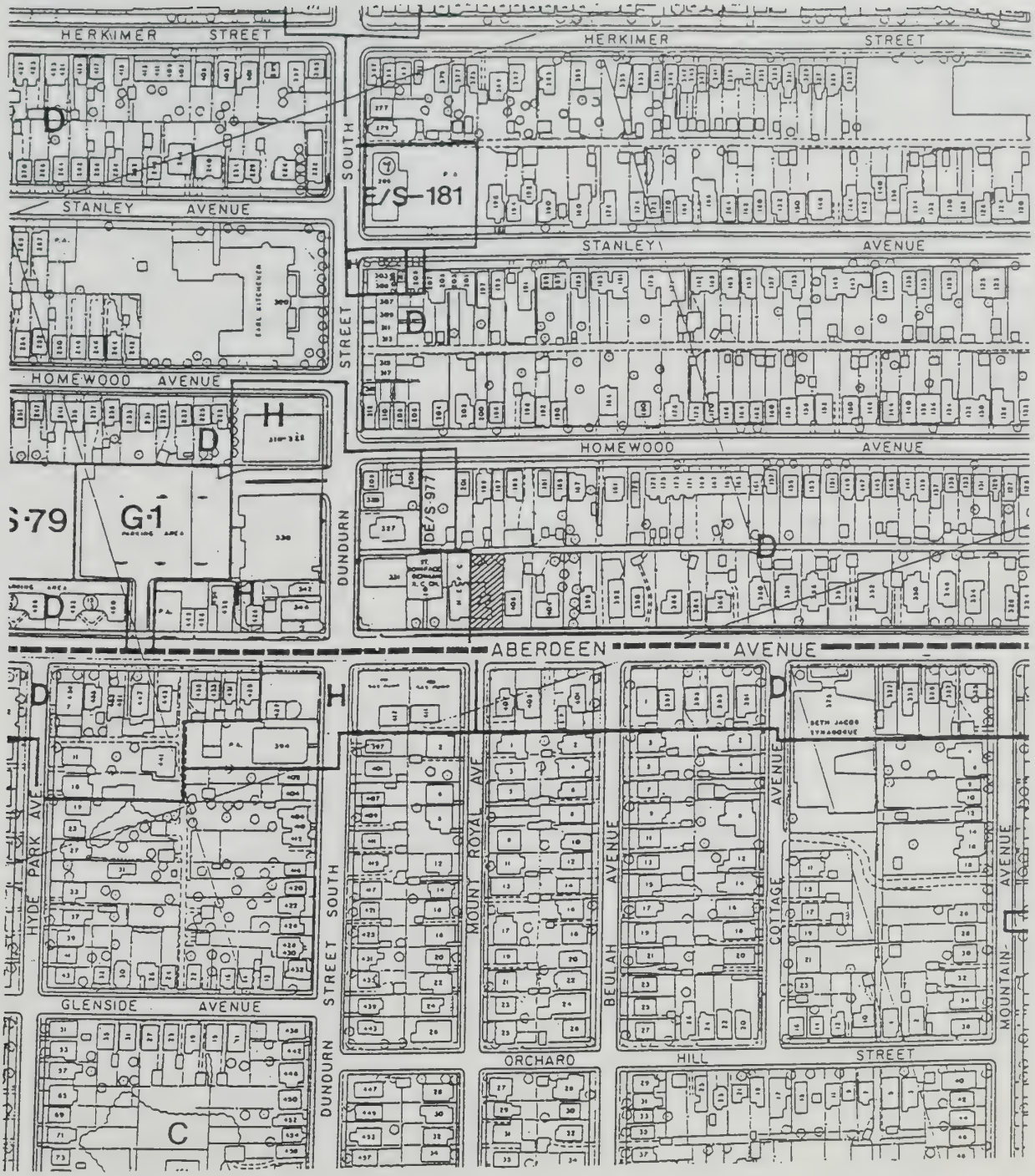
  5: Any works which may occur within the Aberdeen Avenue road allowance or the public assumed alley must conform to the respective Streets By-laws.

the sign would not have a negative impact on the character of the adjacent area. The size of the ground sign should be restricted to 0.2 m^2 (2.15 sq. ft.) and a height of 1.0 m (3.28 ft.). A minimum setback of 3.0 m (9.84 ft.) from the front lot line (street line) and east side lot line (adjacent single-family dwelling) should also be applied.

CONCLUSION:

Based on the foregoing, the application can be supported.

CL-M



Legend

Site of the Application

ZAR-95-26

APPENDIX A

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1995 OCT. 30.

1a)

IA 95-24
SEQ-00229
OCT 27 1995

Hamilton, Ontario
Oct 24th /95

Dear Sir:

I am sorry I cannot make such an important check mark, because I'm not sure if its a good idea or not. I would be concerned about traffic coming and going on such a busy street as Aberdeen Ave.
But here we have a super large store on Dundurn St. why doesn't some one try to have that reopened. Or sub-divided it into 2 or 3 smaller stores and there's lot's of good parking there, I really wish something would be done, its such a waste, of a good building.
I am not able to attend the meeting, because my husband is an invalid.

Sincerely,
Sophie Ritz
209 Homewood Ave.
Hamilton Ontario
L8P 2M6

PROPOSED MODIFICATION TO THE ESTABLISHED "D" DISTRICT

PROPERTY DESCRIPTION 412 ABERDEEN AVENUE

OCT 27 1995

I AM IN FAVOUR OF ( ).

OPPOSED TO ( ) (PLEASE CHECK (X) WHICH)

THIS PROPOSED MODIFICATION IN ZONING

Sophie Ritz ....SIGNED

.....

RITZ SOPHIE OR OCCUPANT
RITZ EDMUND
209 HOMEWOOD AVE
HAMILTON ON
L8P 2M6

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT. 546-4168

.....

FILE-ZAR-95-26 SEQ-00229

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1995 NOVEMBER 1. 26)

The Secretary
Planning & Development Committee
City Hall
71 Main St. E.
Hamilton, ON. L8N 3T4

October 30, 1995

OCT 31 1995

Ref:- File #ZAR-95-26

Dear Sir:-

I would like to register my firm opposition to the application by Whatmough Management Inc. for a modification in zoning of the premises known as 412 Aberdeen Ave.

I am the owner of the property immediately abutting to the east (408 Aberdeen Ave.).

408 Aberdeen has been in my family since 1942. Both prior to, and since, that date the premises at 412 Aberdeen has been used exclusively for RESIDENTIAL purposes, and with no commercialization in those tenancies. Those premises were used as a duplex, with PARKING PROVIDED FOR EACH TENANT:- (1) in a built-in garage accessible from a single driveway and ramp from Aberdeen Ave., and (2) a parking space dedicated from the rear yard of the property, accessible from the lane abutting the rear of the property.

I note that, in <u>anticipation</u> of a ruling on an application that has yet to be approved:-

(1) THE WHOLE OF THE EXISTING FRONT GRASSED YARD AREA HAS BEEN RE-GRADED AND FILLED WITH GRAVEL, up to and ABOVE the level of my property. To compound that, my west hedge has been adversely affected by the injudicious manner in which the gravel HAS been dumped and graded.

(2) The City of Hamilton has DEMOLISHED the existing driveway and concrete single-width entrance (to the existing SINGLE garage) on CITY PROPERTY from the roadway on Aberdeen Ave. to the southern edge of the fronting sidewalk. The City has also COMPLETED THE INSTALLATION of a new double-width ramp and concrete entrance to replace the entirely adequate one the afforded access to the same Single garage.

As a fait accompli, and for the SOLE PURPOSE of affording parking for owner's/tenant's vehicles (maximum of three:- one at the rear, the second in the garage, and the third on the gravel), I can accept the gravelling and grading. To visualize more than one vehicle on the gravelled area would completely negate the purpose of the garage, as it would be totally inaccessible.

The application to the City for installation of the DOUBLE-WIDTH driveway is presumptuous of a decision by this Committee.

If the presentation to this committee is, in part, supported by the position of having EXISTING vehicular parking for COMMERCIAL premises, one is led to wonder if the purpose presented to the Traffic Dep't. therefore, was done with this intention aforethought and was not entirely accurate and truthful in the reasons given for the installation. One is also led to wonder how COMMERCIAL PARKING could be justified when it blocks vehicular access to the garage, to say nothing of preventing the raising of the said garage door.

Parking on Aberdeen Ave. (which is also a morning/afternoon rush-hour route) is at a premium. The additional congestion that customer parking, if the "Parking Lot" is full, is also a matter that should be considered, both by a prospective, and supposedly knowledgable, business venture before locating in such a venue; and by this this Committee; as it affects the orderly flow of traffic in this area.

There has been NO BUSINESS COMMERCIALIZATION on either side of the whole length of Aberdeen Ave. from Studholme Rd. to James St. S., with the exception of the corner of Aberdeen Ave. and Dundurn St. (and that single commercial area pre-existed my time on Aberdeen Ave.). This area of the city has historically been a well-regarded residential area. This commercialization, if it succeeds, becomes the thin edge of the wedge that others will use as justification for their commercial interests in this residential area. Once the precedent has been set, it becomes difficult, if not impossible to deny the granting of future modifications.

In closing, I would like to strongly register my opposition to the modification to the existing zoning "D", for any and all commercial purposes, to the premises at 412 Aberdeen Ave.

Yours truly,

Robert W. Morrow

2.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 November 8th
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the Meeting held 1995 October 31

B. BUILDING COMMISSIONER

(a) Demolition, 1406 Upper Sherman Avenue

(b) Demolition, 130 Lawrence Road

(c) Commercial Loan Program, 468 Barton Street East

(d) Commercial Loan Program, 478-484 Barton St East

C. DIRECTOR OF PLANNING AND DEVELOPMENT

a) Proposed Draft Plan of Subdvision "Wentworth Court Addition" by the owner Tyka Investments Limited, on lands located west of Upper Wentworth Street on Crerar Drive in the Crerar Neighbourhood.

b) Capital Budget

1995 Tuesday, October 31
4:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met in special session.

A.

There were present: Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Alderman M. Caplan
Alderman B. Charters
Alderman H. Merling

Regrets: Mayor R. Morrow, Civic Business
Alderman W. McCulloch, Civic Business
Alderman G. Copps, Vacation
Alderman F. Eisenberger, Civic Business

Also present: V. Abraham, Director of Local Planning
P. Mallard, Planning Department
B. Janssen, Planning Department
D. Powers, Law Department
E. Chajka, Transportation and Environmental Services
T. Agnello, Secretary

1. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC DEPARTMENT

Public Works and Traffic Department, Community Renewal, Parks Division - 1996 - 2005 Capital Budget Report

As recommended in a report dated 1995 October 16, the Committee approved the following:

1. That the attached capital projects from the Public Works and Traffic Department, Community Renewal, Parks Division be considered for inclusion in the ten year 1996-2005 Provisional Capital Budget; and,

2. That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

2. DIRECTOR OF PLANNING AND DEVELOPMENT

Delegation of Subdivision Approval from Region to City

As recommended in a report dated 1995 October 19, the Committee recommended to Council as follows:

1. (a) That City Council request Regional Council to delegate the authority to approve plans of subdivision and condominium to the City of Hamilton; and,

(b) That upon delegation of authority for subdivision and condominium approval from Regional Council, City Council delegate, by by-law, the authority to the Director, Planning and Development Department; and,

(c) That the City Clerk notify the Regional Clerk and the Regional Commissioner of Planning and Development of Council's decision.

3. PRIVATE AND CONFIDENTIAL AGENDA

DIRECTOR OF ROADS DEPARTMENT

Modified Subdivision Agreement between the City and Alessandro and Maria Spetrini - Land Severance Application No. H56-94, 159 Chester Avenue, Hamilton

The Committee was in receipt of a report from the Senior Director of the Roads Department dated 1995 October 13.

The Committee recommended to Council as follows:

(a) That approval be given to Subdivision Application 95-05, Wellington Chase Inc. (J. Parente), owner, for a draft plan of subdivision - "Wellington Chase - Phase 5", comprised of 17 lots for single-family dwellings in the Barnstown Neighbourhood, under Regional File 25T-95016, shown on the Attached map marked as APPENDIX "A", subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Ltd. and certified by J.P. Woolley O.L.S. dated 1995 March 27, showing 17 lots for single-family dwellings and a 0.30 metre reserve block; and,

(ii) That the owner submit a detailed cross section of Court "A", showing the location of all utilities to the satisfaction of the Regional Roads Department; and,

(iii) That the owner convey to the Region by deed a 0.30m reserve, shown as a separate block on the final plan, along the rear of lots 10 to 17 inclusive; and,

(iv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(v) That the owner enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands; and,

(vi) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(vii) That the owner prepare and submit, to the satisfaction of the City of Hamilton Planning and Development Department, a municipal street numbering plan; and,

(viii) That the final plan conforms with the Zoning By-law approved under the Planning Act; and,

(ix) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,

(x) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton; and,

(xi) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95016), Wellington Chase Inc. (J. Parente), owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the costing of installing municipal services has been approved by City Council.

(c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

4. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

(a) The minutes of the meeting held 1995 October 4 were approved as circulated.

(b) The minutes of the meeting held 1995 October 25 were approved as circulated.

The Committee recommended to Council various reports in the Consent Agenda as follows:

B. BUILDING COMMISSIONER

(a) **Demolitions:**

(i) 690 Stone Church Road West
(ii) 310 Robert Street
(iii) 122 Sanford Avenue North
(iv) 124 Sanford Avenue North
(v) 327-329 Wentworth Street North
(vi) 1136 West 5th Street

That the Building Commissioner be authorized to issue demolition permits, in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended, as follows:

690 Stone Church Road West
310 Robert Street
122 Sanford Avenue North
124 Sanford Avenue North
327 - 329 Wentworth Street North
1136 West 5th Street

(b) Hamilton Emergency Loan Programme:

(i) **447 Upper Gage Avenue**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, three hundred and ninety-four dollars ($1,394.) be approved for Mr. and Mrs. T. Selemidis, 447 Upper Gage Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(ii) **221 Lawnhurst Crescent**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred dollars ($1,900.) be approved for Mr. and Mrs. H. Kizilian, 221 Lawnhurst Crescent, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(iii) **739 Cannon Street East**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of five hundred and ninety-nine dollars ($599.) be approved for Barbara Savchuk, 739 Cannon Street East, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(iv) **22 Mahony Avenue**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000.) be approved for Dolly Homer, 22 Mahony Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(v) **578 Upper Paradise Road**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars ($2,000.) be approved for Idalina Cordeiro, 578 Upper Paradise Road, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(c) Commercial Loan Programme

(i) **359 Barton Street East**

(a) (i) That a Commercial Loan in the amount of twenty five thousand dollars ($25,000.) to Lawrence Seng-Tat Wong for rehabilitation of 359 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial

Loan Program. The interest rate is set at 4 3/8 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program, and;

(b) (i) That a Commercial Loan from the Barton Street Revitalization Fund in the amount of five thousand ($5,000.) to Lawrence Seng-Tat Wong for exterior storefront improvements to 359 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 3/8 per cent, amortized over 10 years, and;

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

(ii) 361 Barton Street East

(a) (i) That a Commercial Loan increase of nineteen thousand, eight hundred and eighteen dollars ($19,818.) to Creative Arts Inc. for improvements to 361 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The total loan is now $25,000. The interest rate is set at 4 7/8 percent, amortized over ten years, and;

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

(b) (i) That a Commercial Loan from the Barton Street Revitalization Fund in the amount of one thousand, nine hundred and seventy-two dollars ($1,972.) to Creative Arts Inc. for exterior storefront improvements to 361 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set a 4 7/8 per cent, amortized over 10 years, and;

(ii) That a grant from the Barton Street Revitalization Fund in the amount of nine hundred and eighty-six dollars ($986.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

(iii) 470 Barton Street East

(a) That a Commercial Loan increase of eight hundred and twelve dollars ($812.) to John Hilger for improvements to 470 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The total loan is now $21,856. The interest rate is set at 4 1/2 percent, amortized over ten years, and;

(b) That a grant from the Barton Street Revitalization Fund in the amount of ten thousand, nine hundred and twenty-eight dollars ($10,928.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

(iv) 1030-1048 King Street West

That a Commercial Loan in the amount of seventy-five thousand dollars ($75,000.) be approved for Andreas Christoforou for improvements at 1038-1048 King Street West. The interest rate will be 4 per cent amortized over ten years.

C. DIRECTOR OF PLANNING AND DEVELOPMENT

Sign Posting Requirements for Subdivisions

The Committee approved the following recommendation in a report dated 1995 October 16:

That the Planning and Development Committee direct staff to hold a public meeting regarding sign posting requirements for subdivision and consent applications and that the appropriate public notice be given.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee approved a recommendation dated 1995 October 25 as follows:

(a) Secretary, Hamilton Historical Board: Victoria Hall and MacKay Building dated 1995 September 19.

(b) Minister of Citizenship, Culture and Recreation: Provincial Funding for 1. Cultural Industries Information Centre, 2. Regional Cultural Enterprises Project, and 3. Barton Street Revitalization, distributed 1995 October 3.

(c) Director of Planning and Development and Chief Administrative Officer: 1995 Current Budget dated 1995 October.

6. OTHER BUSINESS

None.

7. ADJOURNMENT

There being no further business, the Committee meeting then adjourned.

Taken as read and approved.

Alderman D. Drury
Chairperson
Planning and Development Committee

Tina Agnello
Secretary

/jt

CITY OF HAMILTON

- RECOMMENDATION -

Ba

OCT 3 1 1995

DATE: 1995 October 27

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1406 Upper Sherman Avenue - Tag Number 95450
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1406 Upper Sherman Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION:

To demolish a one and a half storey, insul-brick veneer single family dwelling. Due to unsafe conditions, an Order to Comply was issued on October 25, 1995, to demolish the dwelling. Please note, the demolition permit was issued on October 25, 1995.

No LACAC interest. Lot size 47 x 532.890.

The owner of the property as per the demolition permit is:

Coral Gable Homes
32 East 14th Street
Hamilton On L9A 4B2

NDND/bel

CITY OF HAMILTON

- RECOMMENDATION -

Bb)

OCT 3 1 1995

DATE: 1995 October 27

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
130 Lawrence Road
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 130 Lawrence Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parkland -- Gage Park

BRIEF DESCRIPTION:

To demolish an existing two storey, stucco veneer, single family dwelling. The dwelling is vacant as of this date. Demolition is requested by the Real Estate Division for the Corporation of the City of Hamilton.

No LACAC interest. Lot size 71.160 acres (lot is situated on Gage Park)..

The owner of the property as per the demolition permit is:

City of Hamilton
Gage Park
c/o Treasury Department
71 Main Street West
Hamilton On L8N 3T4

ND/bel

Bc)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 23

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Loan Program
468 Barton Street East (95.2.4.2.1.A)(95.2.14)

RECOMMENDATION:

1. That a Commercial Loan in the amount of eight thousand, eight hundred and eight dollars ($8,808.) to James Malcolm McLean for improvements to 468 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 percent, amortized over a ten year period, and;

2. That a grant from the Barton Street Revitalization Fund in the amount of four thousand, four hundred and four dollars ($4,404.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program, subject to receipt of Provincial funds being the second instalment of $100,000. under the program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 468 Barton Street East has applied for assistance under the City of Hamilton's Commercial Loan Program. As per the terms of the Program, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

.../2

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund. The Provincial funding of $100,000. being the second instalment for the program is currently pending. The applicant has signed an acknowledgement confirming he will be responsible for the entire loan amount with no pay-down grant should the Province not provide the funds.

The Building Department recommends the approval of both a grant and a Commercial Loan to James Malcolm McLean for improvements to 468 Barton Street East. The loan in the amount of $4,404. will be amortized over a ten year period at 4 percent interest. The monthly payments will be $89.18 and will be secured by a promissory note and a lien registered on title. The grant is in addition to the loan, for a total grant/loan of $8,808.

LCK/MM/dc

c.c. R. Camani, Treasury Department

B d)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 23

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Loan Program
478-484 Barton Street East (95.2.4.2.1.A)(95.2.14)

RECOMMENDATION:

1. a) That a Commercial Loan in the amount of twenty-five thousand dollars ($25,000.) to Whitefriargate Investments Inc. for improvements to 480 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 per cent, amortized over a ten years, and;

   b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program, and;

2. a) That a Commercial Loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000.) to Whitefriargate Investments Inc. for rehabilitation to 478-484 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 per cent, amortized over 10 years, and;

   b) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

.../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 478-484 Barton Street East has applied for assistance under the City of Hamilton's Commercial Loan Program. As per the terms of the Program, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loans and grants to Whitefriargate Investments Inc. for improvements to 478-484 Barton Street East:

1. $25,000. loan amortized over ten years at 4 per cent interest. Grant portion $12,500. Security: Promissory Note and a collateral mortgage on the property at 21 Lilac Court, Ancaster. Monthly payments $253.11.

2. $5,000. loan amortized over ten years at 4 per cent interest. Grant portion $2,500. Security: Promissory Note only. Monthly payments $75.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

(a)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 0 1 1995

DATE: 1995 October 30
(SAC-95-07)
Crerar Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision
"Wentworth Court Addition"
(File No. SAC-95-07/Regional File 25T-95008)

RECOMMENDATION:

(a) That approval be given to application SAC-95-07 (Regional File No. 25T-95008), Tyka Investments Limited, owner, to establish a draft plan of subdivision "Wentworth Court Addition", on lands located west of Upper Wentworth Street on Crerar Drive in the Crerar Neighbourhood, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clark and Associates Ltd. and certified by B.J. Clark, O.L.S., dated March 16, 1995, showing 4 lots for single family dwellings and 2 blocks for future residential purposes, and the extension of Crerar Drive, attached as APPENDIX "B";

(ii) That the Owner acquire all necessary lands to establish Crerar Drive to its full width and that these lands be conveyed to the City of Hamilton as a public highway prior to registration of the final plan of subdivision;

(iii) That the radius of the cul-de-sac bulb be increased to a minimum of 15.0 metres;

(iv) That Block 6 be developed in conjunction with the abutting lands to the west;

(v) That the street be named to the satisfaction of the City of Hamilton;

(vi) That the final plan conform with the Zoning By-law approved under the Planning Act;

(vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

(viii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes;

(ix) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton;

(x) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton;

(xi) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, City of Hamilton, a municipal street numbering plan;

(xii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xiii) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95008), Tyka Investments Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the Regional Commissioner of Planning and Development be advised that the City of Hamilton has no objection to the request by Robert Shelly to red-line revise the adjacent Draft Approved plan of subdivision "Wentworth Court" (Regional File No. 25T-85037) to reflect the lotting pattern and cul-de-sac location of the "Wentworth Court Addition" plan.

(d) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Tyka Investments Limited (c/o John Tymoshuk), owner.

Agent and Surveyor:

B. J. Clarke, O.L.S., A.J. Clarke and Associates Ltd.

Location:

The lands are located at the northerly limits of Crerar Drive and to the west of Upper Wentworth Street in the Crerar Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The subject property has:

- a lot width of 35.08 m;
- a lot depth of 69.36 m; and,
- a lot area of 0.24 ha.

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"R-4" (Small Lot Single Family Detached) District
Surrounding Land Use		
to the north	Vacant/Agricultural (proposed Mountain Freeway)	"AA" (Agricultural) District
to the south	Single Detached Dwellings	"R-4" (Small Lot Single Family Detached) District
to the east	Single Detached Dwelling	"RT-20" (Townhouse - Maisonette) District, modified
to the west	Vacant lands and Single Detached Dwellings	"R-4" (Small Lot Single Family Detached) District

Subdivision Proposal:

The owner is proposing to subdivide the subject lands into 4 lots for small lot single detached dwellings and 2 blocks for future residential development in conjunction with the lands to the west which were Draft Approved in 1986 (Wentworth Court, Regional File no. 25T-85037) (see attached APPENDIX "B").

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal does not conflict.

City of Hamilton Official Plan:

The subject lands are designated "Residential". The proposal would comply with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Single and Double" on the approved Crerar Neighbourhood Plan. The proposal complies with the neighbourhood plan.

Zoning:

The subject lands are zoned "R-4" (Small Lot Single Family Detached) District.

COMMENTS FROM CIRCULATION:

The following agencies have either no comment or do not have any objection to the approval of this application:

- Building Department; and
- Traffic Department.

- The Roads Department has submitted the following comments and recommendations:

"For Information:

1. The Region has received a draft plan submission under application 25T-85037 for adjacent lands to the west of this proposal. The lotting arrangement and location of cul-de-sac bulb on the previously submitted plan do not match this plan. This is due to a 15.0 metre berm easement requirement imposed by the Region at the time when the older plan was submitted. At this point in time, the Region no longer requires an easement and the proposed draft plan submitted under application 25T-85037 should be revised to reflect the lotting pattern and cul-de-sac location of the "Wentworth Court Addition" plan.

Recommendations:

1. That the Owner acquire all necessary lands to establish Crerar Drive to its full width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision.

2. That the radius of the cul-de-sac bulb be increased to a minimum of 15.0 metres.

3. That Block 6 be developed in conjunction with the abutting lands to the west.

4. That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

The submitted plan as prepared by B.J. Clark, O.L.S., stamped with the date March 24, 1995, is satisfactory to the Transportation/Environmental Services Group subject to the above noted comments and recommendations."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the approved Crerar Neighbourhood Plan.

3. The application has merit and can be supported on the following basis:

   - it complies with the intent of the Official Plan and the approved Neighborhood Plan; and,

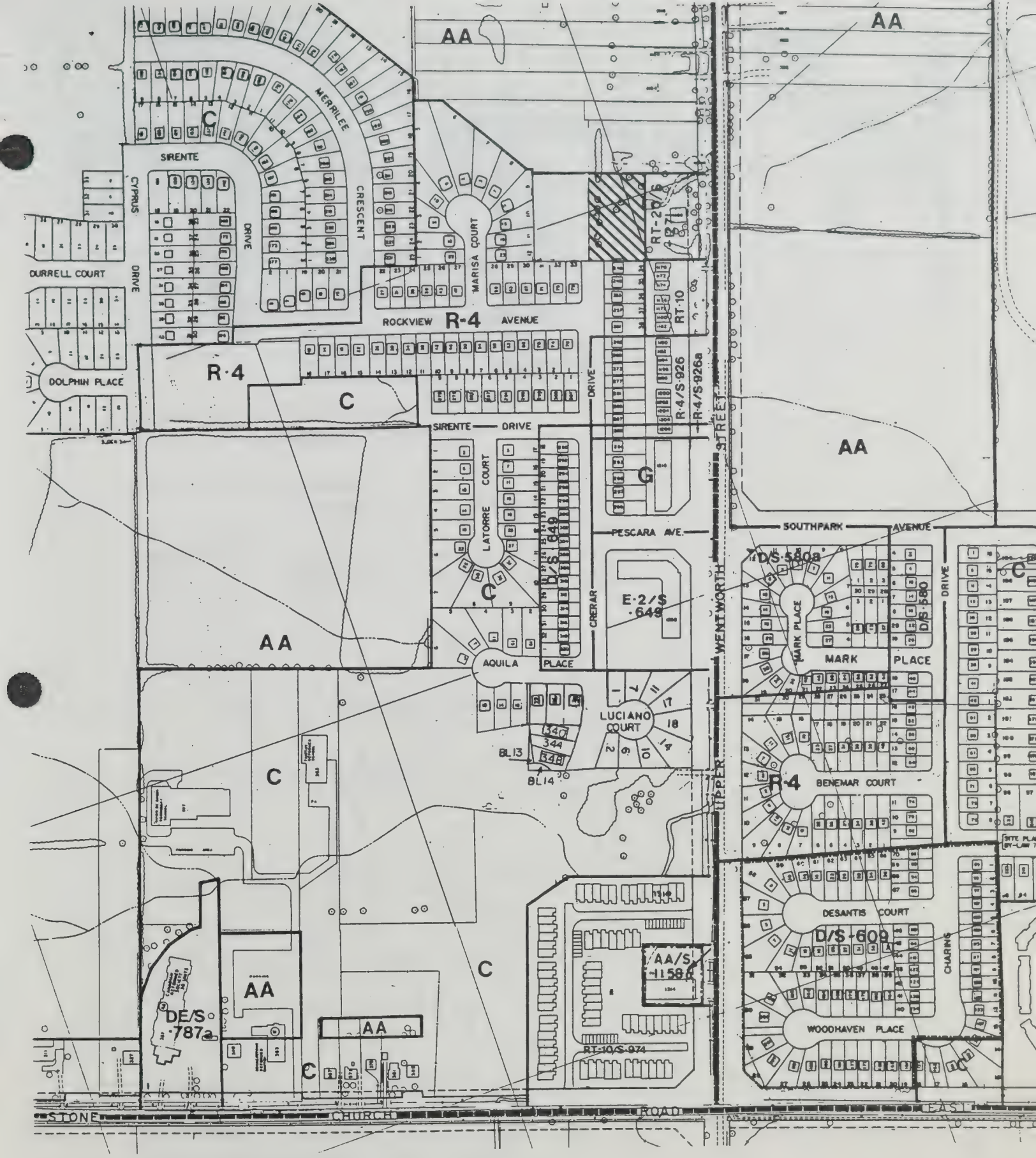
   - it is compatible with existing and proposed development in the area.

4. Approval of the application will necessitate a revision to the adjacent draft approved plan of subdivision "Wentworth Court" (Regional File No. 25T-85037). The revision is to the lotting pattern and cul-de-sac location of the "Wentworth Court Addition" plan. The owner of the "Wentworth Court" plan has advised Planning staff, in writing, that he has no objection to the proposed change as it provides for one additional residential lot and will facilitate the completion of Crerar Drive in accordance with the approved Neighbourhood Plan.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

SR/sr
SUB95-06.RPT

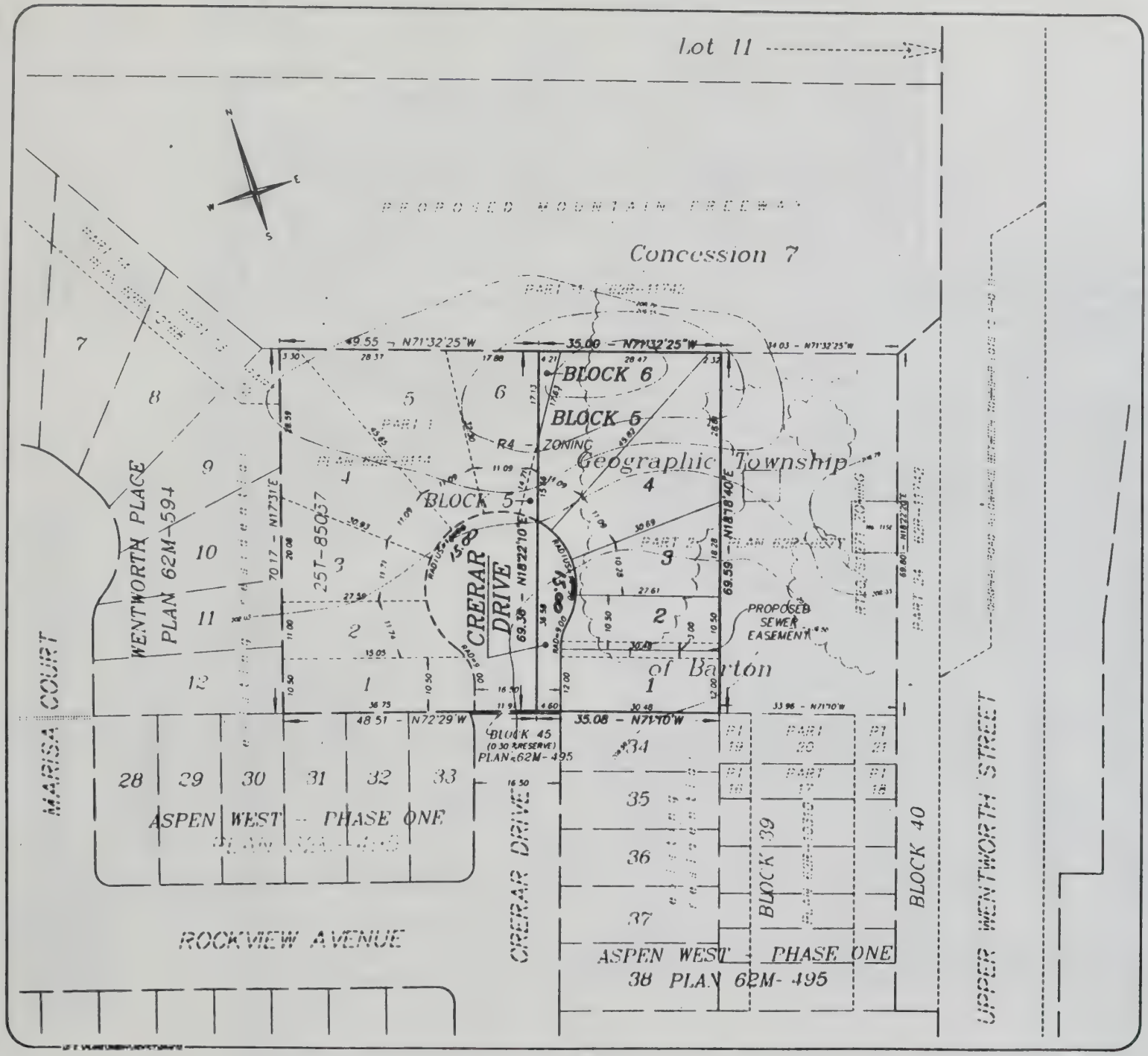


Legend

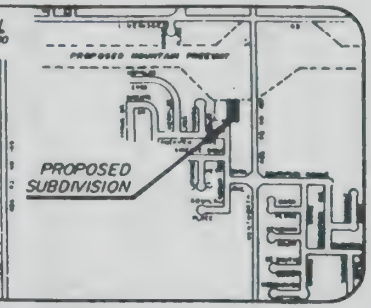
Site of the Application

SAC - 95 - 07

APPENDIX "A"



KEY PLAN
SCALE 1:12000



DRAFT PLAN OF

WENTWORTH COURT ADDITION

BEING A PROPOSED SUBDIVISION OF

PART OF LOT 11 – CONCESSION 7

GEOGRAPHIC TOWNSHIP OF BARTON

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

SCALE 1:500

0 5 10 15 20 metres

B J CLARKE O L S

1995

NOTE THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE CHAPTER P 13 R.S.O. 1990 SECTION 51 (4) THE PLANNING ACT

A SHOWN ON PLAN
B SHOWN ON PLAN
C SHOWN ON PLAN
D SEE LAND USE SCHEDULE
E SHOWN ON PLAN
F SHOWN ON PLAN
G SHOWN ON PLAN
H MUNICIPAL PIPED WATER AVAILABLE
I CLAY LOAM
J SHOWN ON PLAN
K MUNICIPAL SEVICES TO BE INSTALLED BY SUBDIVIDER
L SHOWN ON PLAN

SURVEYOR'S CERTIFICATE

I, CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

MARCH 18, 1995 — DATE

B J CLARKE
ONTATIO LAND SURVEYOR

OWNER'S CERTIFICATE

WE, TYRA INVESTMENTS LIMITED BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A J CLARKE AND ASSOCIATES LTD TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH FOR THEIR APPROVAL

MARCH 24, 1995 — DATE

S GRADUK – PRESIDENT

LAND USE SCHEDULE

TOTAL AREA OF PROPOSED SUBDIVISION = 0.24ha (0.60 ACRES)
LOTS 1 TO 4 – SINGLE FAMILY RESIDENTIAL – PROPOSED R4 ZONING
BLOCKS 5 & 6 – SINGLE FAMILY RESIDENTIAL – PROPOSED R4 ZONING – TO BE DEVELOPED IN CONJUNCTION WITH ADJACENT LANDS

SUBDIVISION DRAFT APPROVAL

APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH ON THIS ____ DAY OF ____ 1995

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
AUTHORIZED BY BY-LAW No. 88-171

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS
155 JAMES STREET SOUTH, SUITE 125
HAMILTON, ONTARIO L8P 3A6
TEL 905-528-8761 FAX 905-528-2289

APPENDIX "B"

C6)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 0 1 1995

DATE: 1995 October 30

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P.
Director of Planning

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Planning and Development Department
1996 - 2005 Provisional Capital Budget

RECOMMENDATION:

a) That the attached capital projects from the Department be considered for inclusion in the ten year 1996 - 2005 Provisional Capital Budget; and,

b) That these capital projects be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration by the Committee of the Whole and City Council.

V. J. Abraham

J. J. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

To be reviewed by the Management Team.

BACKGROUND:

The following is a list of Capital Budget submissions of the Planning and Development Department related to work of the Committee:

A. FUTURE OFFICIAL PLAN REVIEW

Similar to the current Official Plan review which is presently ongoing, the future review will encompass changes that have occurred in planning over the previous five years.

This review has been identified to start in the year 2002 and completed in 2004 for a total cost of $250,000. The intent of this Capital Budget Submission is to identify the Planning and Development Department's responsibility to review the Official Plan in accordance with the Planning Act.

Funding for this project was first allocated for 2002 through the 1995 Capital Budget process.

B. PROPERTY ACQUISITION PROGRAM - ALPHA EAST ENCLAVE

The Planning and Development Committee, at its meeting of June 24, 1992, adopted the recommendations of the Planning and Development Department:

a) to retain the INDUSTRIAL zoning and designation in the Official Plan; and,
b) abandon the acquisition program with the exception of the remaining eleven properties in the Alpha East enclave. The properties in Alpha East would be acquired on a willing buyer/willing seller basis.

The aim of the program is to remove incompatible residential properties and then sell the lands for industrial purposes. The residential properties to the west and north (Alpha West) were purchased in the 1980's and sold to industry. In this regard, the Alpha East enclave was most affected by the former acquisition program.

In the 1995 Capital Budget process, the Department requested $1,145,000 for the purchase of the properties. The funding was approved to commence in 2001.

The same funding was requested in the 1994 and 1995 Capital Budget but was allocated outside the ten year Capital Budget.

The Department is requesting the same amount of funding ($1,145,000) be placed in the Capital Budget for the 2001 and 2002 Capital budget years.

C. OTHER CAPITAL BUDGET SUBMISSION

In addition, a Capital Budget Submission has been prepared for renovation works to St. Mark's (ranked as Department Priority #1). However, as this relates to a Parks and Recreation use it has been forwarded to that Committee to review.

CONCLUSION

It is proposed that these submissions be forwarded to Management Team for review and presentation to the Committee of the Whole, for its consideration.

BJ:fd

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Planning and Development Department

2. PROJECT NAME: Official Plan Review

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
To review the City's Official Plan to ensure the goals, objectives and policies remain current to the Planning intentions of the City in accordance with the requirements of the Planning Act.

4. DEPARTMENT PRIORITY ORDER: 2

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	X
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
A 5 year review of the Official Plan is legislatively required by the Province.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	N/A
(b)	COMPLETION DATE (MONTH-YEAR)	
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$

7. (a) PROJECT STARTING DATE (MONTH-YEAR): 2002
(b) PROJECT FINISHING DATE (MONTH-YEAR): 2004

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: (Rounded to Nearest Thousand Dollars) $ 250,000

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy _____
and describe) _____
_____
_____
_____ $ _____

(c) LESS OTHER RECEIPTS (Specify): _____
_____
_____ $ _____

(d) NET CITY'S COST: $ 250,000

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$	- 2001	$
- 1997	$	- 2002	$ 100,000
- 1998	$	- 2003	$ 100,000
- 1999	$	- 2004	$ 50,000
- 2000	$	- 2005	$

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) N/A

(b) COSTS (Specify items)

_____ $ _____
_____ $ _____
_____ $ _____

GROSS COST (All Inclusive) $ _____

(c) LESS RECOVERY/REVENUE (specify) $ _____

(d) NET CITY'S COST $ _____

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) _____

(f) GROSS COST (All Inclusive) $ _____

_____ $ _____
_____ $ _____
_____ $ _____

(g) LESS RECOVERY/REVENUE (specify) $ _____

(h) NET CITY'S COST $ _____

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No X Yes ___ _____
If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions N/A

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Lack of City vision, direction and potential adverse impact on quality of life. Unable to fulfil Provincially legislative requirements which mandates an Official Plan review every 5 years.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes X; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 212.0

(b) AT CITY'S COST OF $250,000

(c) SCHEDULED TO START IN THE YEAR 2002

J. Graham — Sept. 29, 1995
Signature of Department Head/ Local Board Manager — *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Planning and Development Department

2. PROJECT NAME: Property Acquisition Program - Alpha East Enclave

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Removal of 13 residential properties in Alpha East Enclave (Sherman Avenue and Imperial Street). Acquired land to be sold to industry. This is a revised cost estimate for the existing acquisition program.

4. DEPARTMENT PRIORITY ORDER: 3

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
Required to finish the acquisition of Alpha East Enclave as required by Council. Property has already been purchased to the enclave for industrial purposes and the program should be completed.

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	N/A
(b)	COMPLETION DATE (MONTH-YEAR)	
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$

7. (a) PROJECT STARTING DATE (MONTH-YEAR): 2001
(b) PROJECT FINISHING DATE (MONTH-YEAR): 2002

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 1,300,000
(Rounded to Nearest Thousand Dollars)

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy _____
and describe) _____
_____
_____
_____ $ _____

(c) LESS OTHER RECEIPTS (Specify): Recovery from sale of lands ($155,000.00). Funds may be recovered at any point during the program that land sales become viable. $ 155,000

(d) NET CITY'S COST: $ 1,145,000

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$	- 2001	$ 500,000
- 1997	$	- 2002	$ 645,000
- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) N/A
(b) COSTS (Specify items)
_____ $ _____
_____ $ _____
_____ $ _____

GROSS COST (All Inclusive) $ _____

(c) LESS RECOVERY/REVENUE (specify) $ _____

(d) NET CITY'S COST $ _____

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) _____

(f) GROSS COST (All Inclusive) $ _____

_____ $ _____
_____ $ _____
_____ $ _____

(g) LESS RECOVERY/REVENUE (specify) $ _____

(h) NET CITY'S COST $ _____

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No X Yes ___ _____
If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions _____

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

The existing acquisition funds will only purchase a few of the 13 properties. Elimination of the project will leave several properties unpurchased, further eroding the life for existing residents. The program has been moved up to 1996 in order to purchase homes that are currently available or will be available in the near future. to delay will further erode the quality of life for residents.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ___ Yes X; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 214.0

(b) AT CITY'S COST OF $1,145,000

(c) SCHEDULED TO START IN THE YEAR This was rated outside the ten year plan

J Graham
Signature of Department Head/ Local Board Manager

Oct. 31, 1995
Date

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: (Rounded to Nearest Thousand Dollars) $ 1,300,000

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy _____
and describe) _____
_____
_____
_____ $ _____

(c) LESS OTHER RECEIPTS (Specify): Recovery from sale of lands ($155,000.00). Funds may be recovered at any point during the program that land sales become viable. $ 155,000

(d) NET CITY'S COST: $ 1,145,000

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$	- 2001	$ 500,000
- 1997	$	- 2002	$ 645,000
- 1998	$	- 2003	$
- 1999	$	- 2004	$
- 2000	$	- 2005	$

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) N/A

(b) COSTS (Specify items)

_____ $ _____
_____ $ _____
_____ $ _____

GROSS COST (All Inclusive) $ _____

(c) LESS RECOVERY/REVENUE (specify) $ _____

(d) NET CITY'S COST $ _____

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) _____

(f) GROSS COST (All Inclusive) $ _____

_____ $ _____
_____ $ _____
_____ $ _____

(g) LESS RECOVERY/REVENUE (specify) $ _____

(h) NET CITY'S COST $ _____

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No X Yes __ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions _____

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

The existing acquisition funds will only purchase a few of the 13 properties. Elimination of the project will leave several properties unpurchased, further eroding the life for existing residents. The program has been moved up to 1996 in order to purchase homes that are currently available or will be available in the near future. to delay will further erode the quality of life for residents.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No __ Yes X; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 214.0

(b) AT CITY'S COST OF $1,145,000

(c) SCHEDULED TO START IN THE YEAR This was rated outside the ten year plan

J Abraham — Oct. 31, 1995

Signature of Department Head/ Local Board Manager — *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

URBAN/MUNICIPAL
CA4 ON HBL A05
CSIP4
1995

URBAN MUNICIPAL

NOV 21 1995

NOTICE OF MEETING

GOVERNMENT DOCUMENTS

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 November 22nd
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 94-22, by Shermal Developments Inc., owner, for lands located south of Rymal Road East and west of the proposed extension of upper Sherman Avenue, for changes in zoning for Block "1" from "AA" District to "RT-20" District; Blocks "2", "3", and "4" from "AA" District to "C" District; and Block "5" from "AA" District to "R-4" District.

2. Zoning Application 95-25, by Edward Richter, owner, for a change in zoning from "AA" District and "C" District to "HH" District, for lands located at 1270 Upper James Street.

3. Zoning Application 95-24, by Ginfill Construction, owner, for a change in zoning from "C" District to "RT-30" District, modified, for lands located north of Rymal Road West and east of Upper Paradise Road.

Urban Municipal Collection
2nd Floor
Hamilton Public Library

9:45 O'CLOCK A.M.

4. Draft Plan of Subdivision 95-10, from Homes by DeSantis Inc. and Marz Homes Holdings Inc., joint owners, on lands located west of Nash Road North and south of Kentley Drive in the Kentley Neighbourhood.

   Submissions : (a) T.F. Porritt, 575 Queenston Road, Apt. 819, Hamilton
   (b) B. Scott Konkle, Hamilton Conservation Authority, Ancaster

5. Rental Housing Protection Act Application CDM-95-010, 350 Concession Street, Inch Park Neighbourhood.

6. **ALDERMAN T. JACKSON**

   Zoning Bylaw -Central Air Conditioners

7. **CITY SOLICITOR AND BUILDING COMMISSIONER**

   Special Legislation for Loans to Tenants in Community Improvement Areas

8. **SECRETARY, PLANNING AND DEVELOPMENT**

   1996 Meeting Schedule

9. **CONSENT AGENDA**

10. **OTHER BUSINESS**

11. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
3.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
4.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
5.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
6.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recircularized if application is modified
7.	Rainwater Leader Bylaw	1995 July 5	Roads and Bulding Departments	Report Forthcoming
8.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
9.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23		Tabled at the request of the applicant

1995 November 15

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 15
ZAC-94-22 & SAC-94-03
Chappel East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: (1) Proposed Draft Plan of Subdivision (SAC-94-03/Regional File 25T-94005(R)); and,

(2) Proposed Re-zoning Application (ZAC-94-22).

RECOMMENDATION:

(a) Subdivision Application

That approval be given to amended Subdivision Application 94-03 (Regional File No. 25T-94005(R)), by Urbex Engineering Ltd., on behalf of Shermal Developments Inc., owner, for approval of a draft plan of subdivision - "Shermal Estates", on lands located south of Rymal Road East and west of the proposed extension of Upper Sherman Avenue, in the Chappel East Neighbourhood, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Limited and certified by J.P. Woolley, O.L.S., dated August 10, 1995, showing 159 lots for single family dwellings, a townhouse block, a block for future commercial uses and 3 blocks to be developed with lands to the east for single family dwellings, 9 blocks for 0.30 m reserves and 5 local streets and the extension of Upper Sherman Avenue, as shown on APPENDIX "C".

(ii) That no portion of the subject lands be developed until such time that storm and sanitary sewer outlets are available to service these lands directly.

(iii) That the owner satisfy all engineering and financial requirements of the City of Hamilton prior to the development of any portion of the subject lands.

(iv) That the streets be established to their full width by certificate on the final plan and that Blocks 166, 167, 168, 169, 170, 171, 172, 173 and 174, being 0.30 metre reserves, be transferred to the City of Hamilton.

(v) That 2m X 2m day-lite triangles be established on all L-shaped streets on the Final Plan.

(vi) That the centreline of the extension of the road allowance for Upper Sherman Avenue south of Rymal Road East align with the centreline of the original road allowance of Upper Sherman Avenue north of Rymal Road East.

(vii) That the extension of Upper Sherman Avenue south of Rymal Road East be established and constructed as a 30.0 metre road allowance and that the owner provide two street accesses for the development of any portion of these lands to the discretion and satisfaction of the Commissioner of Transportation/Environmental Services.

(viii) That Upper Sherman Avenue from Rymal Road East to the south limits of the subdivision be constructed to a minimum four lane cross section. Should additional street access be provided to this subdivision during the first phase of the draft plan, the requirements for a full four lane cross section on Upper Sherman Avenue can be reviewed with City of Hamilton Traffic Division and Roads Department staff.

(ix) That the first phase of development south of Rymal Road East must include a street loop system of Streets "A", "B" and "C" and Upper Sherman Avenue.

(x) That the alignment of the extension of Upper Sherman Avenue meet all standards and requirements of the Regional Roads Department, Ontario Hydro, TransCanada Pipeline and the Township of Glanbrook.

(xi) That the owner provide the City of Hamilton with written confirmation from Ontario Hydro and TransCanada Pipelines that the extension of Upper Sherman Avenue, southerly through the Hydro Corridor will not require the relocation of the Hydro Towers or any related gas pipeline facility.

(xii) That the Owner provide written confirmation from Ontario Hydro that the proposed extension of Upper Sherman Avenue conforms to all of Ontario Hydro's requirements with respect to road set backs from the existing Hydro Towers, etc., and that the alignment of the Upper Sherman Avenue extension through the Hydro Corridor into the Township of Glanbrook is to the satisfaction of Ontario Hydro.

(xiii) That the owner provide a temporary turning circle at the southern limit of Upper Sherman Avenue within the limits of this plan of subdivision, or secure the necessary lands to the south so as to provide a temporary turning circle outside the plan of subdivision to the satisfaction of the Commissioner of Transportation/Environmental Services.

(xiv) That the owner provide a 0.30 metre wide reserve at the southern limit of Upper Sherman Avenue.

(xv) That the owner, in the case where lots are affected by the creation of a temporary turning circle at the southern limit of Upper Sherman Avenue, agree to declare the affected lots unsuitable for building until such time as required by the Commissioner of Transportation/Environmental Services or the temporary turning circle is no longer required and Upper Sherman Avenue is extended southerly.

(xvi) That the Owner dedicate Block 165 for the widening of Rymal Road East to the Region of Hamilton-Wentworth prior to registration of the Final Plan.

(xvii) That the owner dedicate to the Region of Hamilton-Wentworth a 0.30 metre reserve, shown as Block 166 along Rymal Road East. This reserve can be lifted after the owner has applied for and received site plan approval for the development of Block 161 for commercial uses.

(xviii) That the owner dedicate to the Region of Hamilton-Wentworth a 0.30 metre reserve, shown as Block 167 along Upper Sherman Avenue and Street "A". This reserve can be lifted after the owner has applied for and received site plan approval for the development of Block 160 for residential uses.

(xix) That Street "A" be established and constructed to its full width prior to the development of Lots 63 to 70 inclusive.

(xx) That Street "A" be established to its full width from Upper Sherman Avenue to the west limits of Street "B" prior to the development of all lots fronting on Street "B", Street "D", Court "G" and the east-west portion of Street "C' between Street "B" and the south-easterly limits of Street "E".

(xxi) That a 12.0 x 12.0 metre day-lite triangle be established on the south-east and south-west corners of the intersection of Upper Sherman Avenue and Rymal Road East.

(xxii) That the frontages outside the "day-lite triangles" for Lots 9 and 92 adjacent to the extension of Upper Sherman Avenue be a minimum of 3.5 metres in width and that the accesses to these lots must be located outside the daylight triangles at this intersection and that these two lots have access onto Street "C" only at the most west limits of these Lots 9 and 92. Notation to this effect may be required in the actual subdivision agreements.

(xxiii) That the owner provide a minimum of two points of access in connection with any phase of development to the satisfaction of the Commissioner of Transportation/Environmental Services.

One access is to be provided through the establishment of Upper Sherman Avenue from Rymal Road East to its ultimate road allowance width. Upper Sherman Avenue may be constructed to a two lane configuration to the satisfaction of the Commissioner of Transportation/Environmental Services.

The second access point is to be provided from the east from Miles Road and that this access point is to be via the southerly mid-block collector. However, if phasing is restricted to the northern portion of the draft plan, then a second access from the west will be required.

(xxiv) That if the crescent comprised of Streets "C" and "E" is to be developed as a phase, then the registration of the phase will be restricted to a maximum of 50 lots.

(xxv) That Lots 33, 34 and 35 not be registered until such time the Commissioner of Transportation/Environmental Services has advised the Director of Planning as to the need to extend Street "E" to provide access to the adjacent lands to the west owned by Ontario Hydro.

(xxvi) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measures after each rainfall to the satisfaction of the City;

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.

(xxvii) That the final plan conform with the applicable provisions of the "RT-20" (Townhouse - Maisonette) District (Block 160), "C" (Urban Protected Residential, etc.) District (Lots 1-20, 30-56, 80-92, 99-107, and 123-137 inclusive), and "R-4" (Small Lot Single - Family Dwelling) District (Lots 21-29, 57-79, 93-98, 108-122 and 138-159 inclusive) in the City of Hamilton Zoning By-law No. 6593.

(xxviii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the Subdivision in the Final Plan.

(xxix) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act.

(xxx) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton.

(xxxi) That the streets be named to the satisfaction of the City of Hamilton.

(xxxii) That the streets be dedicated to the City of Hamilton as public highways in the final plan.

(xxxiii) That the owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan.

(xxxiv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(xxxv) That Blocks 162, 163 and 164, on the red-line revised plan, must be developed in conjunction with adjacent lands.

(xxxvi) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands.

(xxxvii) That the owner agree in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-94005(R)), Shermal Developments Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) Zoning Application

That amended Zoning Application ZAC-94-22, Shermal Developments Inc., owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Blocks "2", "3" and "4"), and "R-4" (Small Lot Single - Family Dwelling) District, (Block "5"), as shown on the attached map marked as APPENDIX "A", be approved on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;

(ii) That Blocks "2", "3" and "4" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(iii) That Block "5" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single - Family Dwelling) District;

(iv) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27E for presentation to City Council; and,

(v) The application complies with the City of Hamilton Official Plan;

(d) That the Chappel East Neighbourhood Plan be amended to change the internal road pattern and the realignment of Upper Sherman Avenue between Rymal Road East and the City limits upon finalization of the implementing By-law; and,

(e) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision regarding Subdivision Application 94-03 and Zoning Application 94-22.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning for lands located south Rymal Road East and west of the proposed extension of Upper Sherman Avenue on the following basis:

Block "1"	- From "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;
Blocks "2", "3" and "4"	- From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
Block "5"	- From "AA" (Agricultural) District to "R-4" (Small Lot Single - Family Dwelling) District.

The effect of the proposed changes in zoning is to permit the development of 159 lots for single family dwellings (Block "5" - 75 small lot singles and Blocks "2", "3" and "4" - 84 single lots), and a block for townhouse development (Block "1").

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Shermal Developments Inc., owner.

Agent:

A.J. Cameracci, P.Eng., Urbex Engineering Limited.

Surveyor:

J. P. Woolley, O.L.S., Urbex Engineering Limited, Hamilton.

Location:

The lands are located at the south-west corner of Upper Sherman Avenue and Rymal Road East, in the Chappel East Neighbourhood, City of Hamilton.

Lot Size and Area:

The subject property has an irregular configuration and has:

- a width of 33.223 metres (109 feet);
- a depth of approximately 567.354 metres (1,861.4 feet); and,
- a lot area of approximately 12.02 hectares (29.7 acres).

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural)" District
Surrounding Land Use		
to the north	Single Detached Dwellings, gas station, metal recycling operation and vacant lands	"C" (Urban Protected Residential, etc.) District

to the south	Agricultural Lands (Located in the Township of Glanbrook)	Agricultural
to the east	Vacant	"AA" (Agricultural) District
to the west	Vacant	"AA" (Agricultural) District

REZONING PROPOSAL:

The applicant is requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Blocks "2", "3" and "4") and "R-4" (Small Lot Single - Family Dwelling) District (Block "2"), as shown on the attached map marked as APPENDIX "A".

SUBDIVISION PROPOSAL:

The owner has applied to subdivide the subject lands into 159 lots for single family dwellings, a townhouse block, a block for future commercial uses and a block to be developed with lands to the west for single family dwellings (see attached APPENDIX "B").

EXISTING DEVELOPMENT CONTROLS:

HAMILTON-WENTWORTH OFFICIAL PLAN:

The lands are within the "Urban Policy Areas" and identified as "Proposed Development, Residential and Related Uses". The proposal does not conflict with the Hamilton-Wentworth Official Plan.

CITY OF HAMILTON OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The following policies, amongst others, should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas, and as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

v) Encourage new Residential development that provides a range of dwelling types at densities and scales compatible with the established development pattern;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

As the proposal provides for a mix of housing types in a compatible arrangement of uses with adequate off-street parking, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "Single & Double Residential", "Attached Housing" and "Commercial" in the approved Chappel East Neighbourhood Plan. However, a neighbourhood plan amendment is required since the proposal includes minor changes to the internal road pattern.

ZONING:

The lands are zoned "AA" (Agricultural)" District. The applicant has requested a change in zoning for the subject lands. The requested changes in zoning are shown on APPENDIX "A".

COMMENTS RECEIVED ON REZONING AND SUBDIVISION PROPOSAL:

- The following agencies have no comment or objection:

  - the Building Department
  - the Hamilton Region Conservation Authority

- The Traffic Division has advised:

  "We recommend that the lot lines of lots 17, 18 and 19 be modified, as shown in red on the attached plan. The lot lines have been modified to minimize the potential of driveways overlapping within the road allowance.

  We recommend that prior to development of the subject lands, the extension of Upper Sherman Avenue between Rymal Road East and the southerly limits of the property be established and constructed at its full width. The extension of Upper Sherman Avenue will be the only access servicing the proposed development and is proposed as the arterial connection between Rymal Road East and Twenty Road in both the City of Hamilton and the Regional Official Plan.

  In addition, we recommend that Street A, between Upper Sherman Avenue and Street B, be established at its full width in order to provide two points of access to Upper Sherman Avenue from the internal streets in the subdivision. Development of lots 79 to 86 (shown as Lots 63 to 70 on the red-line revised plan) should also be conditional on providing Street A to its full width adjacent to these lots."

- In response to the rezoning application, the Roads Department has advised:

  "These lands must await sewers and watermains from the east which at present are east of Miles Road. Alternatively, the owner may extend the services at his expense to bring the sewers to his site.

  In conjunction with this application (ie ZAC-94-22), the applicant has also submitted Shermal Estates draft plan of subdivision for our review and comments. We have attached a copy of our comments on the draft plan submission. As noted in the draft plan comments, there are many revisions to the road network required and we advise that the zoning boundaries must reflect the revised roadway pattern of the subdivision, which has not been finalized to date.

  The designated road allowance width of this section of Rymal Road East is 36.58 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 18.29m from the centreline of the original Rymal Road allowance.

We have reviewed this application on the basis of the minimum width of single family lots on the extension of Upper Sherman Avenue has been increased to 12.0m.

We recommend that the subject lands be developed through a satisfactory plan of subdivision."

The Roads Department further advised that:

"In addition to our comments dated February 15, 1995 with respect to the servicing alternative, the owner may extend the services at his expense to bring the sewers and watermain to his site."

In response to the revised subdivision plan, the Roads Department has advised:

"**INFORMATION:**

1. Municipal storm and sanitary sewers are unavailable to service any portion of this development directly at this time.

2. There is an existing watermain on Rymal Road East of sufficient size and capacity to service this development.

3. There will be a Regional share for the installation of services for an oversized watermain within the limits of this development. An estimate is not available at this time for the Region's share of the oversizing component of the watermain.

4. The Hamilton Street and Railway have advised that: "the north-south section of street "C" and court "F" are aligned such that they direct pedestrians away from where transit service exists on Upper Sherman Avenue.

5. Canada Post have advised our office that they require community mailbox locations for this proposal. Our office will be writing to Canada Post to advise that a Super Mailbox Location on the extension of Upper Sherman Avenue is not recommended by the Roads Department since the volume of traffic will be substantial at some point in the future when Upper Sherman Avenue is extended into the Township of Glanbrook and therefore recommend relocation of the proposed Super Mail from Upper Sherman Avenue.

RECOMMENDATIONS:

1. That no portion of the subject lands be allowed to be developed until such time that storm and sanitary sewer outlets are available to service these lands directly.

2. The owner must satisfy all engineering and financial requirements of the Regional Municipality of Hamilton-Wentworth prior to the development of any portion of the subject lands.

3. The owner must satisfy all engineering and financial requirements of the City of Hamilton prior to the development of any portion of the subject lands.

4. That the streets be established to their full width be certificate on the final plan and that any dead end and unopened road allowances be terminated by .30 metre reserves to be transferred to the City of Hamilton.

5. That 2m X 2m day-lite triangles be established on all L-shaped streets on the Final Plan.

6. That the centreline of the extension of the road allowance for Upper Sherman Avenue south of Rymal Road East align with the centreline of the original road allowance of Upper Sherman Avenue north of Rymal Road East.

7. That the extension of Upper Sherman Avenue south of Rymal Road East be established and constructed as a 30.0 metre road allowance. Since Upper Sherman Avenue is the only street access to this entire subdivision from the external road network, we require that Upper Sherman Avenue from Rymal Road East to the south limits of the subdivision be constructed to a minimum four lane cross section. Further, the first phase of development south of Rymal Road East must include a street loop system of Streets "A", "B" and "C" and Upper Sherman Avenue for service vehicles, Transit Facilities, school buses etc. Should additional street access be provided to this subdivision during the first phase of the draft plan, the requirements for a full four lane cross section on Upper Sherman Avenue can be reviewed with the City of Hamilton Traffic Department and our staff.

8. That the alignment of the extension of Upper Sherman Avenue meet all standards and requirements of the Regional Roads Department, Ontario Hydro, TransCanada Pipeline and the Township of Glanbrook. Our Department will also require written confirmation from the applicant/owner that the extension of Upper Sherman Avenue, southerly through the Hydro Corridor will not require the relocation of the (Hydro) Towers or any related gas pipeline facility. In addition, the Roads Department requires written confirmation from Ontario Hydro that the proposed extension of Upper Sherman Ave. conforms to all their requirements with respect to road set backs from the Hydro Towers etc. and that the alignment of the Upper Sherman Avenue extension through the Hydro Corridor into the Township of Glanbrook is to their satisfaction.

9. That the owner dedicate the required road widening to the Region for Rymal Road East on the Final Plan.

10. The Roads Department restrict the number of commercial accesses to Rymal Road East and the number of driveway accesses for residential purposes along the extension of Upper Sherman Avenue.

11. That Street "A" be established and constructed to its full width prior to the development of Lots 162 to 168 inclusive (shown as Lots 63 to 70 inclusive on the red-line revised plan).

12. That Street "A" be established to its full width from Upper Sherman Avenue to the west limits of Street "B" prior to the development of all lots fronting on Street "B", Court "F" and the east-west portion of Street "C' between Street "B" and Upper Sherman Avenue.

13. That a 12.0 x 12.0 metre day-lite triangle be established on the south-east and south-west corners of the intersection of Upper Sherman Avenue and Rymal Road East.

14. That the frontages outside the "day-lite triangles" for Lots 9 and 120 (shown as Lots 9 and 92 on the red-line revised plan) adjacent to the extension of Upper Sherman Avenue be a minimum of 3.5 metres in width and that the accesses to these lots must be located outside the daylight triangles at this intersection. Notation to this effect may be required in the actual subdivision agreements.

15. The centreline radius of Street "A" must be a minimum of 110 metres.

The submitted plan as prepared by J.P Wooley, O.L.S. and dated July 21, 1994, (and subsequently revised and dated August 10, 1995) is satisfactory to the Transportation/Environmental Services Group, Roads Department, subject to the above-noted comments and recommendations."

It is noted that the revised draft plan submitted by the applicant reconfigured Street "A". As such, the recommendation that the centreline radius of Street "A" must be a minimum of 110 m is no longer required.

The Roads Department further advised:

INFORMATION:

1. Our Office has received information from Ontario Hydro that they will not be developing lands west of the Cul-de-sac, Street "A" as a transformer facility. It would appear that Ontario Hydro is prepared to place a portion of this property on the open market for disposal at some point in time in the future.

Our office requests at this time that a Block of land be set aside in the proposed plan for Shermal Estates in order to accommodate an extension to proposed Street "E".

RECOMMENDATIONS:

1. That a Crescent at the south limit of this subdivision be allowed to develop as a phase of development, provided that no more than 50 lots be allowed to be registered.

2. That the owner provide a minimum of two points of access in connection with any phase of development.

   One access through the establishment of Upper Sherman Avenue from Rymal Road East to its ultimate road allowance width. Upper Sherman Avenue may be constructed to a two lane configuration to the satisfaction of the Commissioner of Transportation/Environmental Services.

   The other access point, from the east, (is to be) from Miles Road. The access from Miles Road must be via the southerly mid-block collector. This street pattern eliminates the creation of long "cul-de-sacs" west of Upper Sherman Avenue.

   If phasing is restrictive to the northern portion of the draft plan, then the second access is required from the west."

- The Township of Glanbrook has advised:

"The proposed draft plan illustrates the intended extension of Upper Sherman Avenue southerly into the Township of Glanbrook. However, it is not likely that the extension of Upper Sherman Avenue into the Township of Glanbrook will be required. Therefore, Planning Staff recommend that Upper Sherman Avenue be designed to terminate in a cul-de-sac."

- TransCanada Pipelines has advised:

"This development will be within 200 metres of our pipeline. TransCanada has no objections to this rezoning subject to the following conditions:

1) Any grading that will affect the right-of-way or drainage onto it must first be approved in writing by TransCanada.

2) Should any blasting be required at the site, a report on the methods and charges to be used must be prepared at the owners sole cost and expense by a qualified

blasting engineer and submitted for TransCanada's written prior to the commencement of blasting operations on the site.

3) TransCanada's District Office in Hannon (905-388-5171) must be given three business days advance notice before the commencement of construction on the site.

4) The owner must ensure that all contractor(s) and sub-contractors are fully aware of and observe the foregoing conditions."

- Ontario Hydro has advised:

"Further to your letter, with enclosures, please be advised that Ontario Hydro has approved the revised plans, which indicate the new alignment of Upper Sherman Avenue."

COMMENTS:

1. The proposal complies with the intent of the Official Plan of the City of Hamilton.

2. The proposal complies with the land use designations of the approved Chappel East Neighbourhood Plan. However, a neighbourhood plan amendment is required since the proposal includes minor changes to the internal road pattern. In addition, it should be noted that the proposal involves the realignment of Upper Sherman Avenue between Rymal Road East and the City limits. This is consistent with a separate proposal to develop the lands on the east side of Upper Sherman Avenue which is currently being reviewed by the Planning Department.

   It should also be noted that on the originally submitted draft plan, the distribution of "C" lots (min. 40' frontage) and "R4" lots (min. 33' frontage) was undesirable. The revised draft plan (red-line) has addressed this problem by adding more "C" lots fronting on Upper Sherman and by grouping them in a less indiscriminate manner.

3. The application has merit and can be supported on the following basis:

   - it complies with the intent of the Official Plan;

   - the proposed plan of subdivision and rezoning implement the approved neighbourhood plan;

   - the proposed development provides for a variety of housing types and tenures in that the applicant is proposing to develop block townhouse units, small lot single and single detached dwellings; and,

- it is compatible with existing and proposed development in the area.

4. The Regional Planning Department has advised that as a condition of draft plan approval the Region will require, among other conditions, the following:

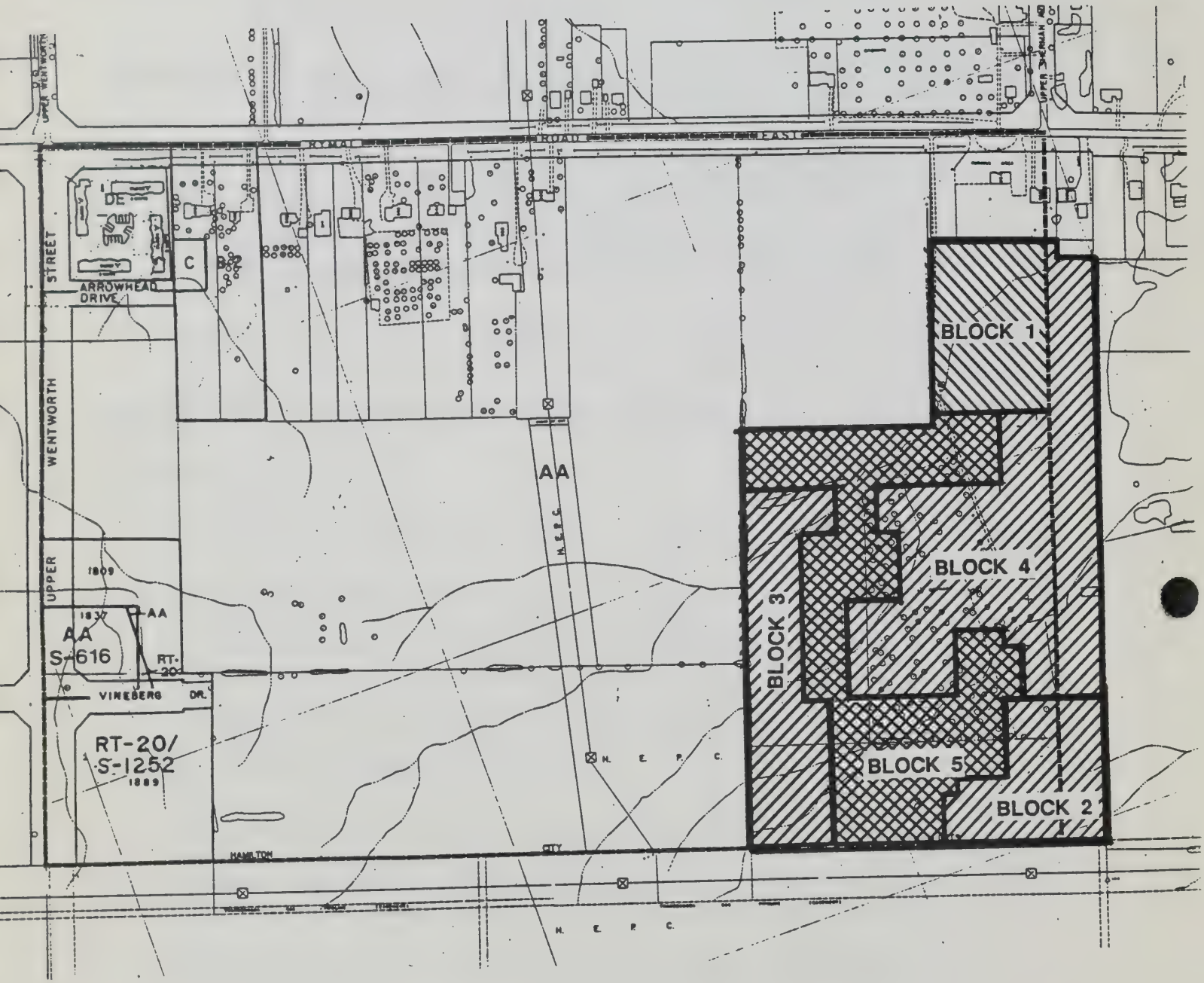
    - That the proponent satisfy TransCanada Pipelines requirements with respect to grading, blasting and notification requirements.

    - That the proponent satisfy Ontario Hydro's requirements regarding grading and construction activity within the Ontario Hydro right-of-way.

CONCLUSION:

On the basis of the foregoing, Zoning Application 94-22 and the revised Subdivision Application 94-03 can be supported.

SR/sr
94-22.159



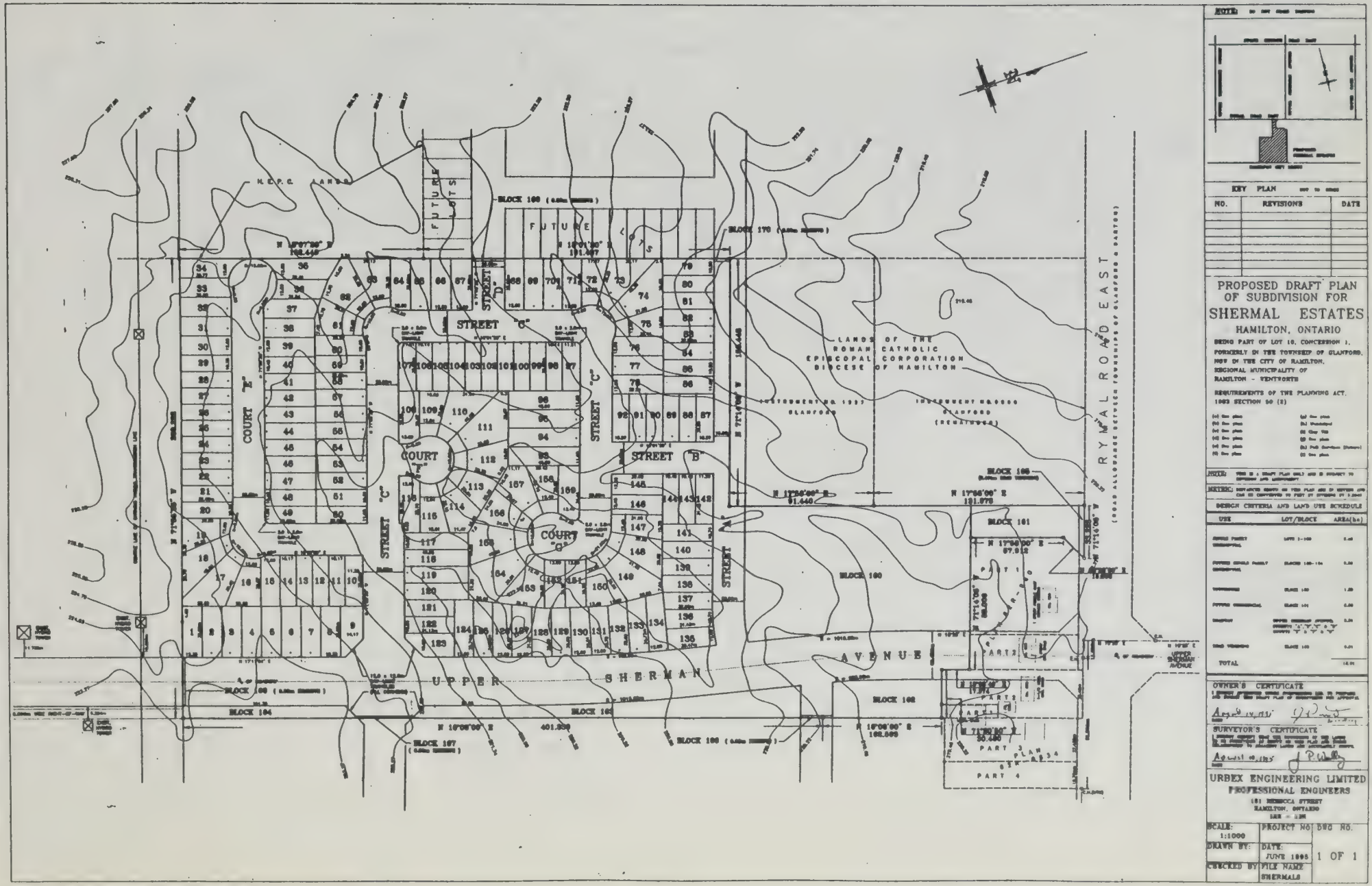
Legend

Proposed change in zoning from "AA" (Agricultural) District to :

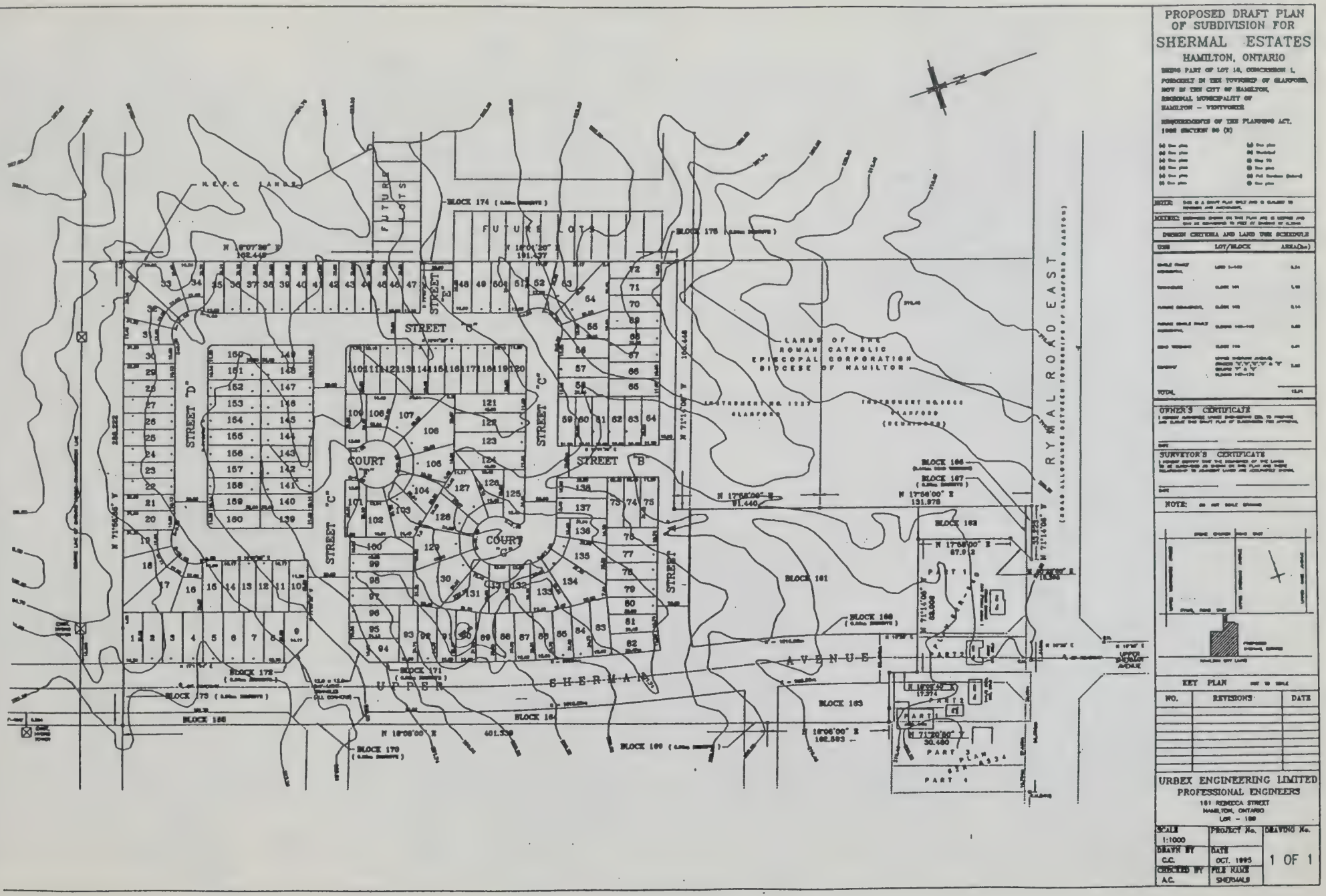
ZAC-94-22

BLOCK 1		"RT-20" (Townhouse - Maisonette) District.
BLOCKS 2,3 and 4		"C" (Urban Protected Residential, etc.) District
BLOCK 5		"R-4" (Small Lot Single-Family Dwellings) District.

APPENDIX "A"



APPENDIX "B"- Draft Plan as submitted



APPENDIX "C" - Schematic red-line revised Draft Plan showing road and lotting pattern

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 14
ZAC-95-25
Kernighan Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a Change in Zoning
1270 Upper James Street

RECOMMENDATION:

(a) That approval be given to Amended Zoning Application ZAC-95-25, Edward Richter, owner, requesting a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for Blocks "1" and "2", and to modify the established "HH" (Restricted Community Shopping and Commercial) District for Block "3", to permit automobile-related commercial uses, for property located 1270 Upper James Street, as shown on the attached map marked as APPENDIX "A" on the following basis:

(i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;

(iii) That the "HH" (Restricted Community Commercial and Shopping, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(1) That notwithstanding Section 14(A)(1) of Zoning By-law No. 6593, auto body and fender repair in conjunction with automobile sales and/or rental shall be permitted;

(2) That notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the westerly limits of the "HH" District where they abut the residential district to the west;

(3) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly limits of the "HH" District where they abut the residential district to the west;

(4) That a minimum 6.0 m wide planting strip shall be provided and maintained along the easterly boundary of Block "3", except for any area used for driveway access; and,

(5) That a minimum 3.0 m wide planting strip shall be provided and maintained along the northerly boundary of Blocks "1" and "3", except for any area used for driveway access;

(iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-5 be notated S - ;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council; and

(vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the Kernighan Neighbourhood Plan be amended by changing the designation of the subject lands from "Neighbourhood Commercial" to "Commercial" upon finalization of the implementing By-law.

EXPLANATORY NOTE:

The purpose of the proposed By-law is to provide for changes in zoning for lands located at 1270 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

Block "1" - Change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

Block "2" - Change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District; and,

Block "3" - Modification to the established "HH" (Restricted Community Commercial and Shopping, etc.) District.

The effect of the by-law is to permit the development of the subject lands for automobile related commercial uses as part of a comprehensive development of the south-west corner of Blossom Lane and Upper James Street. In addition, the By-law provides for the following variances as special requirements:

- permits auto body and fender repair in conjunction with automobile sales and rentals;
- a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly limits of the "HH" District where they abut the residential district to the west;
- a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the westerly limits of the "HH" District where they abut the residential district to the west;
- a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along Upper James Street, except for those areas used for vehicular access; and,
- a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the northerly boundary of Blocks "1" and "3" (Blossom Lane), except for any area used for driveway access.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  It is the applicant's intention to change the zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, for lands located at the rear of No. 1270 Upper James Street to permit the use of the lands for automobile related commercial uses (ie daily rental of motor vehicles; sale of motor vehicles, service of motor vehicles; and, appraisal and repair centre for body damage to motor vehicles), in conjunction with the lands fronting onto Upper James Street.

- Site Plan Control Application DA-95-05

  An application for site plan approval for Block "3" has been submitted by the applicant. At the request of the applicant, the site plan application is being held in abeyance until Zoning Application 95-25 has been finalized.

APPLICANT:

Edward Richter, owner.

LOT SIZE AND AREA:

The subject lands are part of a larger parcel of land. The lands subject to the rezoning application have:

- a width of 22 m (72 ft.);
- a depth of 67.1 m (220 ft.); and
- an area of 1,476 m^2 (15,890 sq. ft.).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

Surrounding Land Use

to the north	Commercial Plaza	"HH" (Restricted Community Commercial and Shopping, etc.) District
to the south	Single Detached Dwellings and Vacant lands	"C" (Urban Protected Residential, etc.) and "AA" (Agricultural) District
to the east	Single Detached Dwelling and Commercial Building	"C" (Urban Protected Residential, etc.) and "HH" (Restricted Community Commercial and Shopping, etc.) District
to the west	Single Detached Dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL - EXTENDED HIGHWAY" on Schedule "A" - Land Use Concept of the Official Plan. In addition, the subject lands are designated "Special Policy Area 31c". The proposal complies with the general intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Neighbourhood Commercial" in the approved Kernighan Neighbourhood Plan. The proposal does not comply with the Plan. Approval of this application would necessitate the redesignation of the subject lands from "Neighbourhood Commercial" to "Commercial".

UPPER JAMES STREET DESIGN GUIDELINES:

The subject lands are within the Upper James Street Corridor and are subject to the Urban Design Guidelines as set out in the approved Kernighan Neighbourhood Plan. The guidelines establish the following criteria for commercial development along Upper James Street (see APPENDIX "B"):

- a minimum landscaped planting strip along the rear property line of 6.0 m in depth;
- a triangluar open area at the intersection of Upper James Street and Blossom Lane; and,

- a maximum building height of 2 storeys for commercial uses.

The special variances to the Zoning By-law will implement the intent of the approved neighbourhood plan and design guidelines.

COMMENTS RECEIVED:

- The Regional Planning Department has no objection to the approval of the application.

- The Building Department has advised that:

  "1. The development of the lands shall comply with the requirement of Section 18(3)(ivc) of By-law 6593."

- The Traffic Division has advised that:

  "The approved neighbourhood plan for Kernighan Neighbourhood designates the subject property for future use as commercial. The information provided indicates that the subject land will be developed in conjunction with the adjacent lands fronting on Upper James Street. The addition of these lands will facilitate the comprehensive development of the proposed car rental, sales and service business.

  The development of the adjacent lands fronting on Upper James Street has been reviewed under Site Plan Application DA-95-05. A copy of our comments regarding that application are attached for information (APPENDIX "C"). Since there are a number of outstanding issues regarding access to the site and site circulation, we recommend that no variances be included in the implementing by-law should the rezoning be approved."

- The Roads Department has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  Blossom Lane has been designated as a mid-block collector street at its intersection with Upper James Street and Chipman Avenue on the east side of Upper James Street. The designated road allowance width of Blossom Lane from Upper James Street to a point 90 metres westerly is 26.21 m. In accordance with this designation, we recommend that as a condition of development approval that a strip of land 3.048 m in width be dedicated to the City of Hamilton for road widening purposes.

  We recommend that the subject lands be developed through site plan control at which time more detailed comments on grading, access, etc. will be submitted.

As the applicant may be aware, the existing pavement width of Blossom Lane is approximately 6.0 m with approximate 0.80 m wide gravel shoulders. This pavement width is less than the desirable width for two lane roadways. The introduction of additional commercial traffic onto Blossom Lane may result in vehicle congestion/conflicts should the pavement width be retained as is. Therefore the applicant/owner should be advised that as a condition of Approach Approval on Blossom Lane that the pavement and shoulder widths may be required to be widened to an adequate width to accommodate the two way commercial traffic generated by this development. All costs associated with this pavement widening on Blossom Lane will be the sole responsibility of the applicant/owner. The details of these works will be finalized at such time as a site plan for lands to be rezoned and adjacent lands to the east are submitted for our review and approval.

In the absence of any details shown we advise that any works which may occur within the Blossom Lane road allowance, as widened, must conform to the City of Hamilton Streets By-law."

COMMENTS:

1. The proposal does not conflict with the general intent of the Official Plan.

2. The subject lands are designated "Neighbourhood Commercial" in the approved Kernighan Neighbourhood Plan. The proposal does not comply with the Plan. As such, the subject lands on which the automobile dealership is proposed should be redesignated from "Neighbourhood Commercial" to "Commercial".

3. The application has merit and can be supported for the following reasons:

   - it allows for the comprehensive development of the lands located at the south-west corner of the Blossom Lane - Upper James Street intersection;

   - the proposed automobile sales, rental and service uses are permitted in the "HH" District. The inclusion of autobody repair as a permitted use can be supported given that autobody repair is normally incidental to an automobile dealership and has been recognized as a permitted use for the automobile dealership located approximately 125 m to the north of the subject lands; and,

   - it is compatible with existing and proposed development in the area.

4. In keeping with the general intent of the Official Plan and the Urban Design Guidelines for the Upper James Street Corridor, the implementing zoning by-law should contain the following special requirements:

- a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height and a landscape planting strip having a minimum width of 6.0 m, should be provided and maintained along the westerly limits of the "HH" District where it abuts a residential district to buffer the parking area from the adjacent lands zoned for residential uses;

- a landscape planting strip having a minimum width of 6.0 m should be required to be provided and maintained along Upper James Street, except for those areas used for vehicular access; and,

- a minimum 3.0 m wide planting strip should be required to be provided and maintained along Blossom Lane, except for any area used for vehicular access.

The proposed landscaped strips will provide for a triangular shaped open area at the intersection of Blossom Lane and Upper James Street, in accordance with the Upper James Street Urban Design Guidelines. These requirements are similar to those that were adopted for the development of the Upper James Street - Regina Drive intersection by Council (Zoning Application 95-10, Roy Yates).

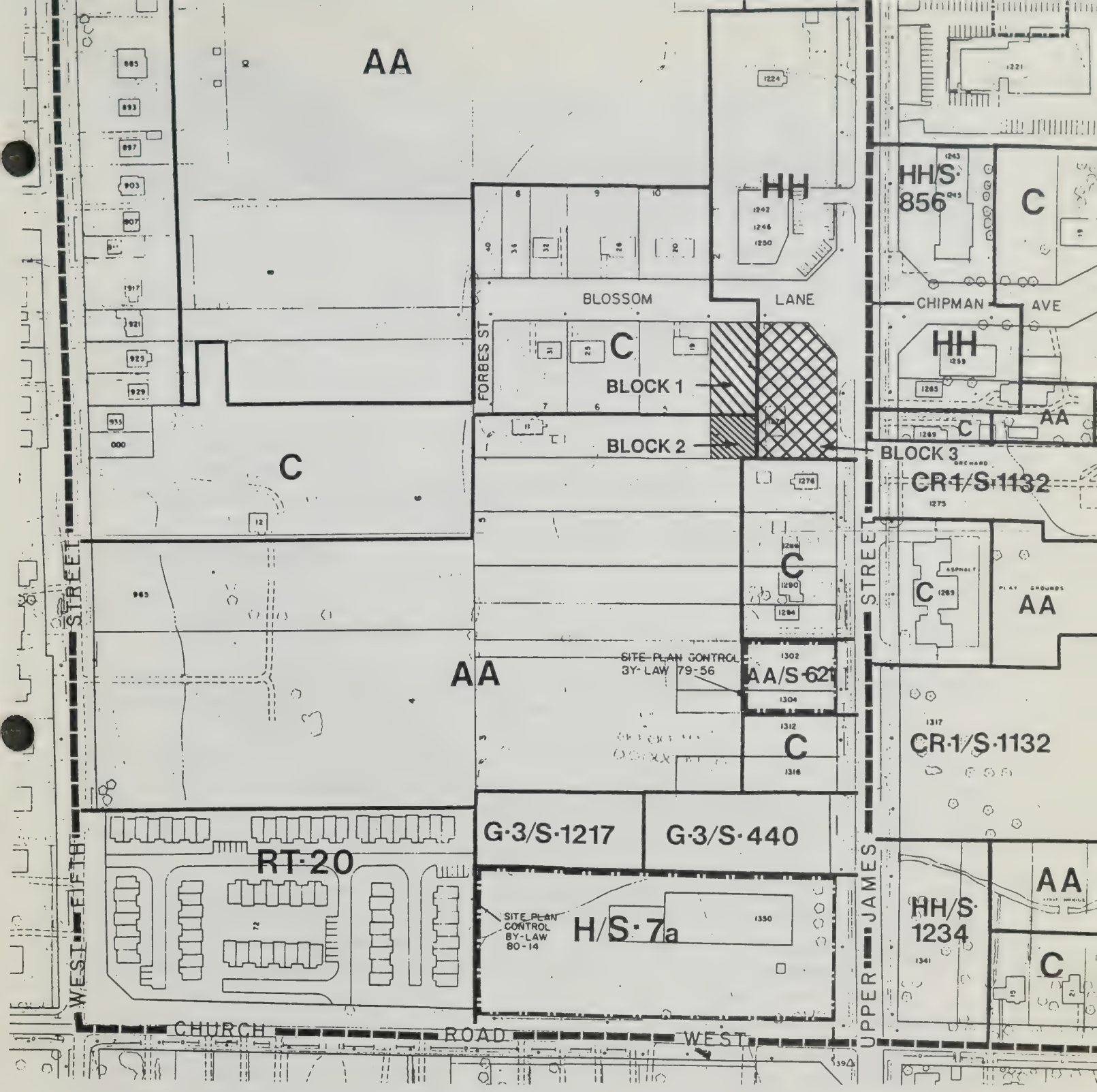
5. The requested change in zoning to "HH" (Restricted Community Shopping and Commercial, etc.) District is appropriate and would be subject to site plan control. In this regard, the applicant is required to submit site plans of the development for approval which would allow for the review of access, parking, grading, etc. prior to the issuance of a building permit.

   An application for site plan approval for the adjacent lands to the east has been submitted by the applicant. At the request of the applicant, the site plan application is being held in abeyance until Zoning Application 95-25 has been finalized. The applicant will be required to revise their Site Plan Control application to include the subject lands upon finalization of the Zoning By-law.

CONCLUSION:

On the basis of the foregoing, the proposal can be supported.

SR/sr
95-25



Legend

Proposed change in zoning :

ZAC-95-25

BLOCK 1 — "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District.

BLOCK 2 — "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.

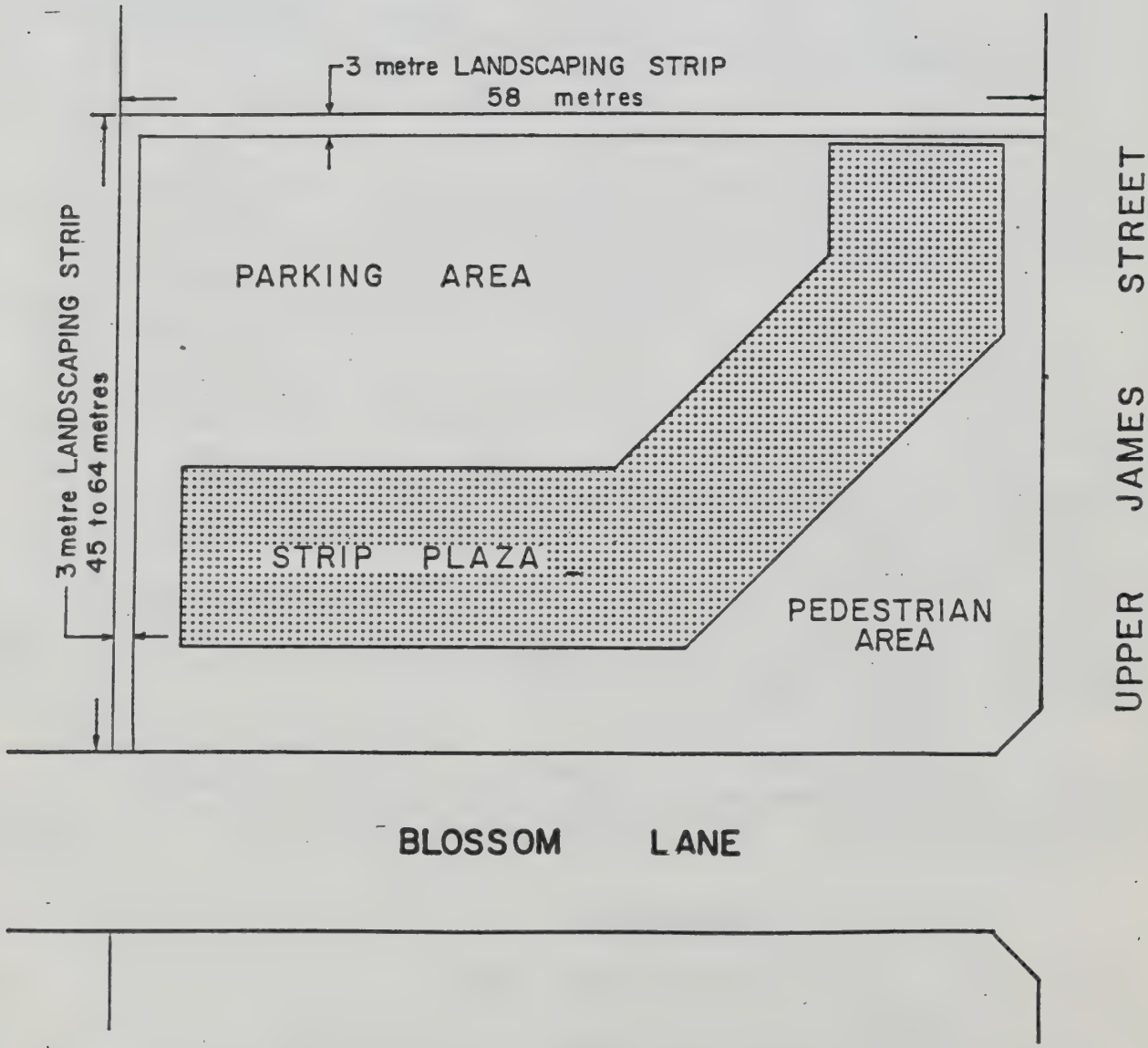
BLOCK 3 — Modification to the established "HH" (Restricted Community Shopping and Commercial) District.

APPENDIX "A"

URBAN DESIGN GUIDELINES
FOR
UPPER JAMES STREET CORRIDOR
KERNIGHAN SECTION

Example of Commercial Area Design for:

3) Neighbourhood Commercial



JUL 26 1995

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

City of HAMILTON

TRAFFIC DIVISION
1st Floor, 71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

1995 June 26

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention Mr. J. Sakala

Re: DA 95-05
1270 Upper James Street

In response to your letter of 1995 June 22, please be advised that we have reviewed the above application and have the following comments.

The submitted plan is essentially the same as the plan submitted on 1995 February 14 with the exception that the east/west driveway adjacent to the south property line has been deleted. Therefore, our comments of 1995 March 6, (attached) regarding the access to the site, the location of the building and the inclusion of the lands to the west are applicable to the current submission.

With reference to the deletion of the east/west driveway, this modification creates two long deadend driveways in the parking area. We recommend the east/west driveway be maintained as shown on the previous plan to provide improved site circulation.

In the event the application is approved as submitted, the applicant should be advised that an application must be made to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,

Roland Karl, P.Eng.
Manager of Traffic Planning

BF/ab
Attach.

cc E.P. Chajka, Manager of Development, Roads Department

TRAFFIC DEPARTMENT

City of
HAMILTON

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

1995 March 06

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA 95-05
1270 Upper James Street

In response to your letter of 1995 February 14, please be advised that we have reviewed the above application and have the following comments.

The subject property is located on the southwest corner of the intersection of Upper James Street and Blossom Lane/Chipman Avenue which will serve as the midblock collector street for the neighbourhoods east and west of Upper James Street. As such this intersection will be signalized in the future and include raised concrete medians which may restrict the vehicular access to right turns in and out of the driveways in the location shown on the submitted plan. Therefore, we recommend that the accesses to the site be located as close as possible to the west and south limits of the property.

The location of the proposed building in relation to the proposed access on Blossom Lane does not provide adequate manoeuvring area for single unit trucks to access the parking area south of the proposed building from Blossom Lane. Therefore, we recommend that the location of the proposed building be modified to ensure that adequate manoeuvring is provided. In addition, we recommend that the access to Blossom Lane be modified to provide a minimum width of 7.5 m at the property line.

It should be noted that the approved neighbourhood plan for this area designates the subject lands, including the portion presently zoned "C" Residential, for neighbourhood commercial development. Our preference is to have the subject lands, including the residential portion, developed as one comprehensive development consistent with the intent of the neighbourhood plan.

Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,

Murray F. Main, P.Eng.
Director of Traffic Services

RK/BF/kg

3.

CITY OF HAMILTON
- RECOMMENDATION -

NOV 1 5 1995

DATE: 1995 November 13
ZAC-95-24
Falkirk East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - Lands located on the north side of Rymal Road West, east of Upper Paradise Road

RECOMMENDATION:

a) That Zoning Application ZAC-95-24, Ginfil Construction, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District, to permit development for eight street townhouse dwellings, for lands located on the north side of Rymal Road West, east of Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", be **DENIED** on the following basis:

i) It conflicts with the intent of the Official Plan and the Approved Falkirk East Neighbourhood Plan, which designate the subject lands "SINGLE AND DOUBLE RESIDENTIAL";

ii) It is not consistent with planning practise of the City to locate multiple-family development at nodes created by the intersection of arterial and collector roads;

iii) The proposed townhouse development would be out of character with established and future intended development in the adjacent area; and,

iv) Approval of this application may encourage other similar applications, which if approved, would undermine the intent of the Neighbourhood Plan.

V. J. Abraham

J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The request is for a rezoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District, to permit development of the subject lands for eight street townhouse dwelling units (ie. two 4 unit blocks). Two lots would have widths of 9.388 m (30.80 ft.) and areas of 380.8 m^2 (4,099.03 sq. ft.), two lots would have widths of 9.937 m (32.60 ft.) and areas of 403.1 m^2 (4,339.07 sq. ft.) and four lots would have widths of 6.187 m (20.30 ft.) and areas of 251.00 m^2 (2,701.83 sq. ft.) The dwellings would have access over a proposed common right-of-way, with two access points onto Rymal Road West. (See APPENDIX "B")

- Application for Removal of Part Lot Control PLC-95-04

  An application to remove the subject lands (Block 30, Registered Plan 62M-750) from Part Lot Control was approved by City Council on May 31, 1994, subject to conditions including a modified subdivision agreement. The By-law is pending fulfilment of conditions and final approval by the Region of Hamilton-Wentworth. This approval would permit the subject lands to be subdivided into five single-family dwelling lots (see APPENDIX "C"), in accordance with the existing "C" (Urban Protected Residential, etc.) District zoning, each having lot widths of 12.679 m (41.6 ft.) and lot areas of 514 m^2 (5,532.831 sq. ft.).

- Rezoning Application ZA-91-01

  Rezoning application ZA-91-01 was approved on August 27, 1991, and By-law No. 91-174 was passed on September 24, 1991, to rezone 6.881 ha (17 acres) of land located north of Rymal Road and east of Upper Paradise Road, including the subject lands, from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development for single-family dwellings.

- Draft Plan of Subdivision 25T-87037

  Draft Plan of Subdivision 25T-87037 was approved by Regional Council on March 15, 1988, for 6.881 ha (17 acres) of land located north of Rymal Road and east of Upper Paradise Road, to permit subdivision for 74 single-family lots and a number of blocks. The subject lands were identified as a block for future development. Plan 62M-750 (Paradise Gate Estates Phase 1), was registered on December 16, 1993, and includes a first phase of single-family lots and the subject lands as a block for future development (Block 30).

APPLICANT:

Ginfill Construction, owner.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of 63.398 m (208 ft.) on Rymal Road West;
- a depth of 40.561 m (133.07 ft.); and,
- a lot area of 2,571.5 m^2 (27,680.30 sq. ft.).

LAND USE AND ZONING:

	Existing Land Uses	Existing Zoning
Subject Lands	Vacant	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north and west	Day care centre	"AA" (Agricultural) District, modified
to the east	Vacant	"C" (Urban Protected Residential, etc.) District
to the south	Single-family dwellings	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated RESIDENTIAL on Schedule 'A' - Land Use Concept of the Official Plan:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be

guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass setbacks, privacy and overview;

D.2.5 NEIGHBOURHOOD PLANS for the PLANNING UNITS will indicate the... distribution and mix of housing of varying densities... When preparing NEIGHBOURHOOD PLANS, Council will consider the following:

i) The preferred location for new Residential development or redevelopment will be:

a) for multiple dwellings and high traffic generating uses beyond the Central Policy Area, at nodes created by the intersection of Arterial and Collector roads, with preference given to access by these roads..."

The proposal conflicts with the intent of the Official Plan, in that it represents an indiscriminate mix of housing types and does not recognize or enhance the scale and character of the existing residential area. Furthermore, the preferred location for multiple dwellings is at nodes created by the intersection of arterial and collector roads. However, since the lands are appropriately designated, an amendment to the Official Plan would not be required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" by the Approved Falkirk East Neighbourhood Plan. Therefore, the proposal does not comply with the Approved Neighbourhood Plan, and a redesignation from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING" would be required.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority advise they have no objection.

- The Building Department advises:

  "1. Street townhouse units must front onto a public street and do not share any yards, driveways, common open space and parking and manoeuvring space.

  2. The proposal does not comply to the definition of street townhouse.

  3. The location of the parking spaces have not been indicated."

- The Regional Roads Department advises:

  "1. We have no objection to the proposed change in zoning from a servicing perspective. There are public watermains available on Rymal Road and the designated storm and sanitary sewer outlets are also on Rymal Road.

  2. The designated road allowance width of Rymal Road is 36.0 m. In accordance with this designation the Region previously acquired the required road allowance widening on Rymal Road by Instrument No. L.T. 356380 and shown as Block 3 on Plan 62M-750. No further road allowance widenings are anticipated at this time.

  3. In general, the establishment of single family or street townhouse development to arterial roadways such as Rymal Road is not desirable. It has been our position in the past the single family infilling between existing lots can be expected on Rymal Road but that new residential strip development should be discouraged.

  4. Should this type of residential development adjacent to Rymal Road be approved, we recommend that it be subject to the following conditions:

     i) That only two access points be permitted onto Rymal Road and that common mutual rights-of-ways be registered on title between all the respective owners and that this right-of-way be a minimum of 11.5 m width adjacent to the entire frontage of Rymal Road. Individual accesses to Rymal Road should not be permitted.

     ii) That a 8.5 m wide roadway must be constructed to City of Hamilton

roadway standards immediately adjacent to the Rymal Road road allowance, as widened.

iii) That a 3.0 m wide utility corridor be established at the northside of the 8.5 m roadway for the Gas, Bell, Hydro and Co-Axial utilities and connections into the separate homes. The applicant/owner must make the appropriate arrangements with the respective utilities to locate in this corridor.

iv) That a .30 m reserve be dedicated to the City of Hamilton along the entire frontage on Rymal Road except in those areas required for the physical access construction to Rymal Road.

v) That all frontyard setbacks under the Zoning By-law be taken from a point 11.5 m north of the north limit of the Rymal Road road allowance, as widened.

vi) That the subject lands be developed through site plan control.

5. We recommend that this application be forwarded to the City of Hamilton Legal Department for their comments on the establishment of this right-of-way.

6. For the information of the applicant the road grades on Rymal Road may be raised by approximately 0.30 m in the future and this should be considered in preparing development plans for this property."

- The Department of Public Works and Traffic advises:

"The Department of Public Works and Traffic does not support street townhouses type development on Rymal Road. This is a major arterial roadway servicing over 20,000 vehicles daily. Allowing this type of narrow frontage development will set a precedent for future street townhouses on arterial roadways.

The applicant has submitted a preliminary site plan that indicates a 6.0 metre wide private roadway in front of the proposed townhouses. The Legal Department has previously stated concerns over this type of access via an easement. They have previously required that certain conditions be included in any recommendation for approval of similar zoning applications and should be circulated for comments.

Should this application be approved, the following recommendations should be included as conditions.

a) The City be provided with a one foot reserve along the entire Rymal Road frontage.

b) The private roadway be a minimum of 8.5 metres wide.

c) That only two access points from Rymal Road be provided to the private roadway servicing Lots 1 to 8, and no individual driveways be provided to Rymal Road."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. However, if the application were approved, an Official Plan amendment would not be required.

2. The proposal does not comply with the Approved Falkirk East Neighbourhood Plan, and a redesignation from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING" would be required.

3. The application cannot be supported for the following reasons:

   - It conflicts with the intent of the Official Plan and the Approved Falkirk East Neighbourhood Plan, which designate the subject lands "SINGLE AND DOUBLE RESIDENTIAL";

   - It is located mid-block, which is not consistent with planning practise of the City (Official Plan Policy D.2.5) to locate multiple-family development at nodes created by the intersection of arterial and collector roads;

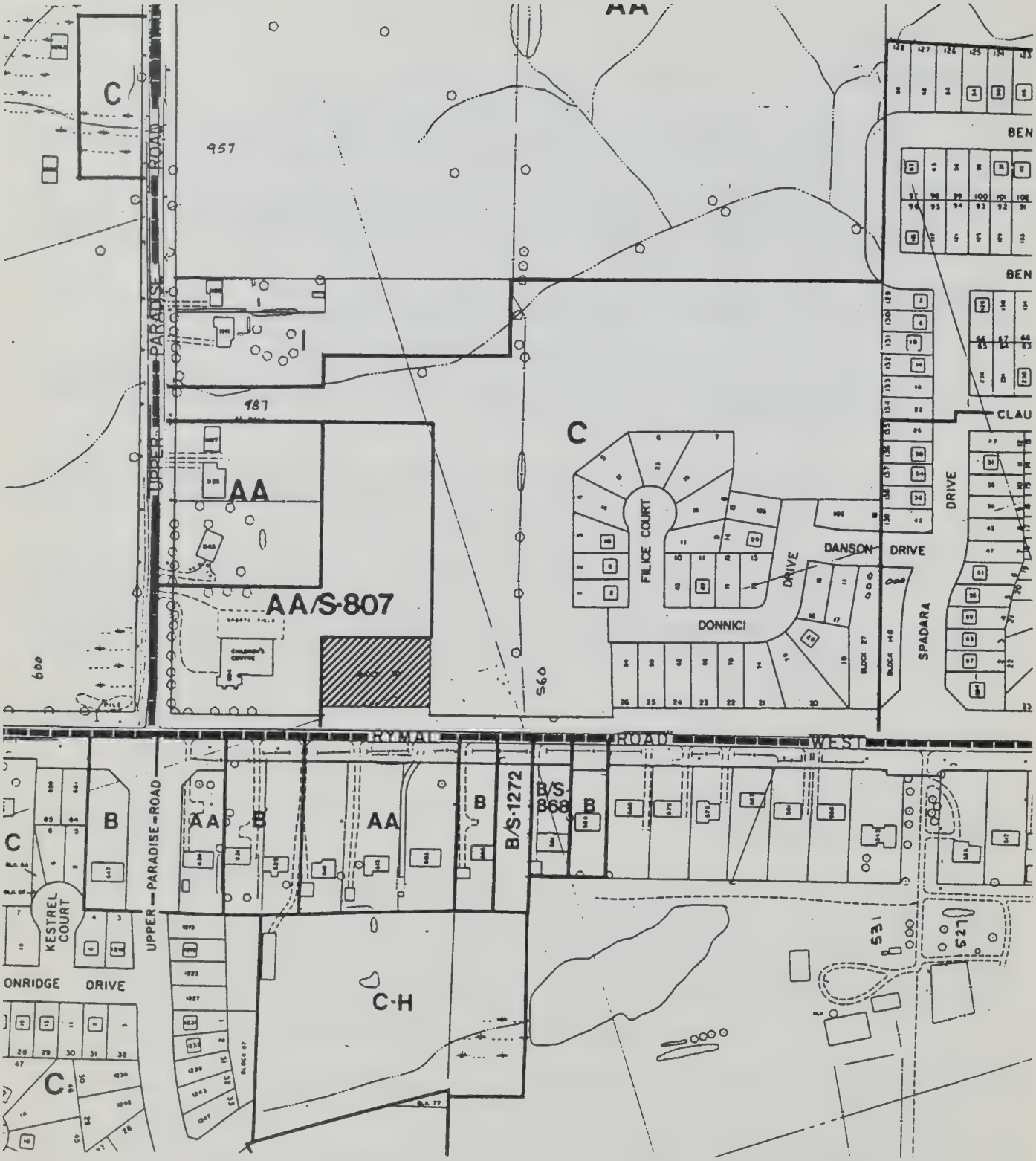
   - The proposed townhouse development would be out of character with established development in the adjacent area, specifically large lot single-family development along Rymal Road West (ie. lots in the immediate area south of Rymal Road have average lot widths of 29.3 m [96 ft.] and average areas of 2,496.8 m^2 [26,876.3 sq. ft.]); and,

   - Approval of this application may encourage other similar applications, which if approved, would undermine the intent of the Neighbourhood Plan.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

CL-M

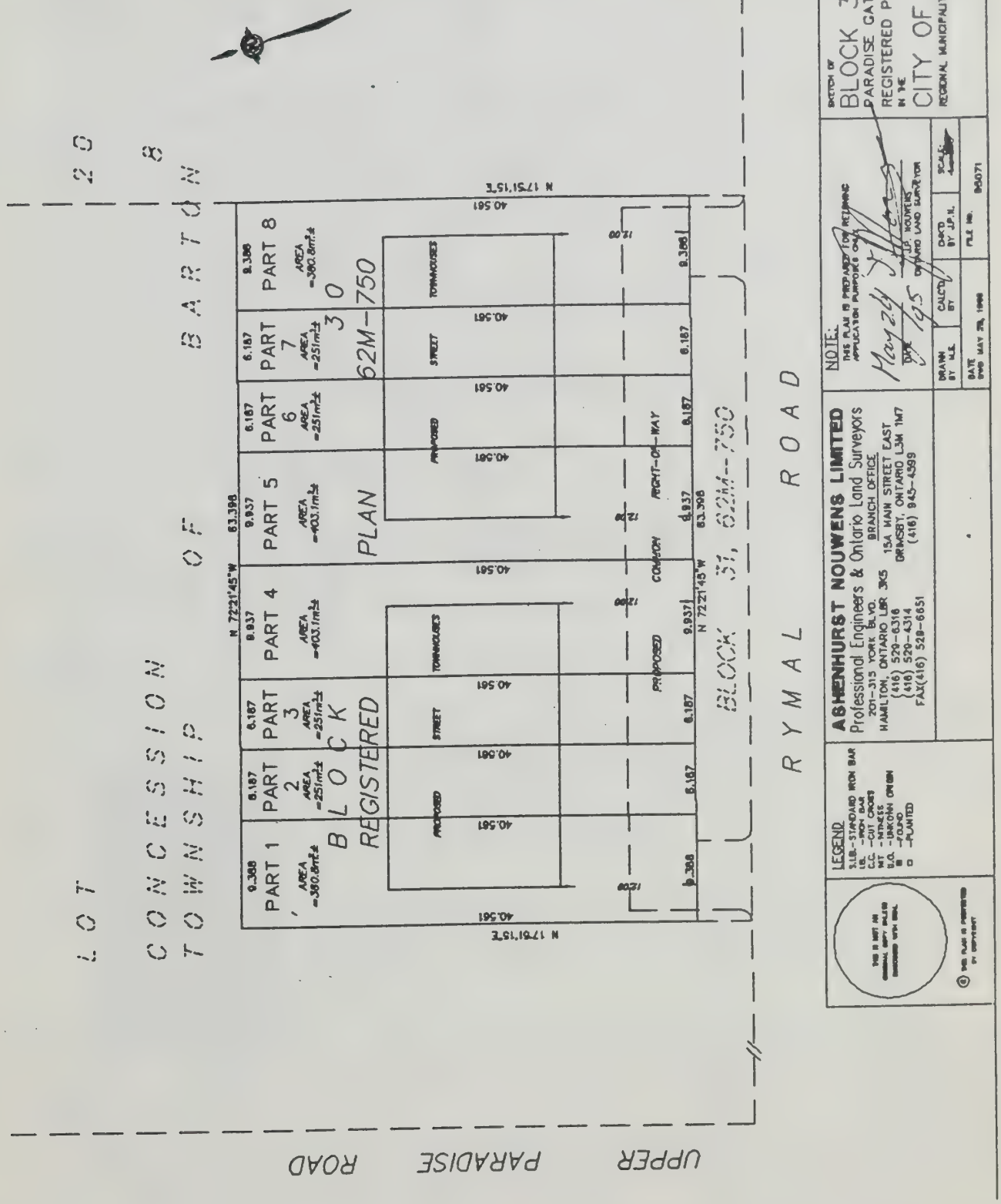


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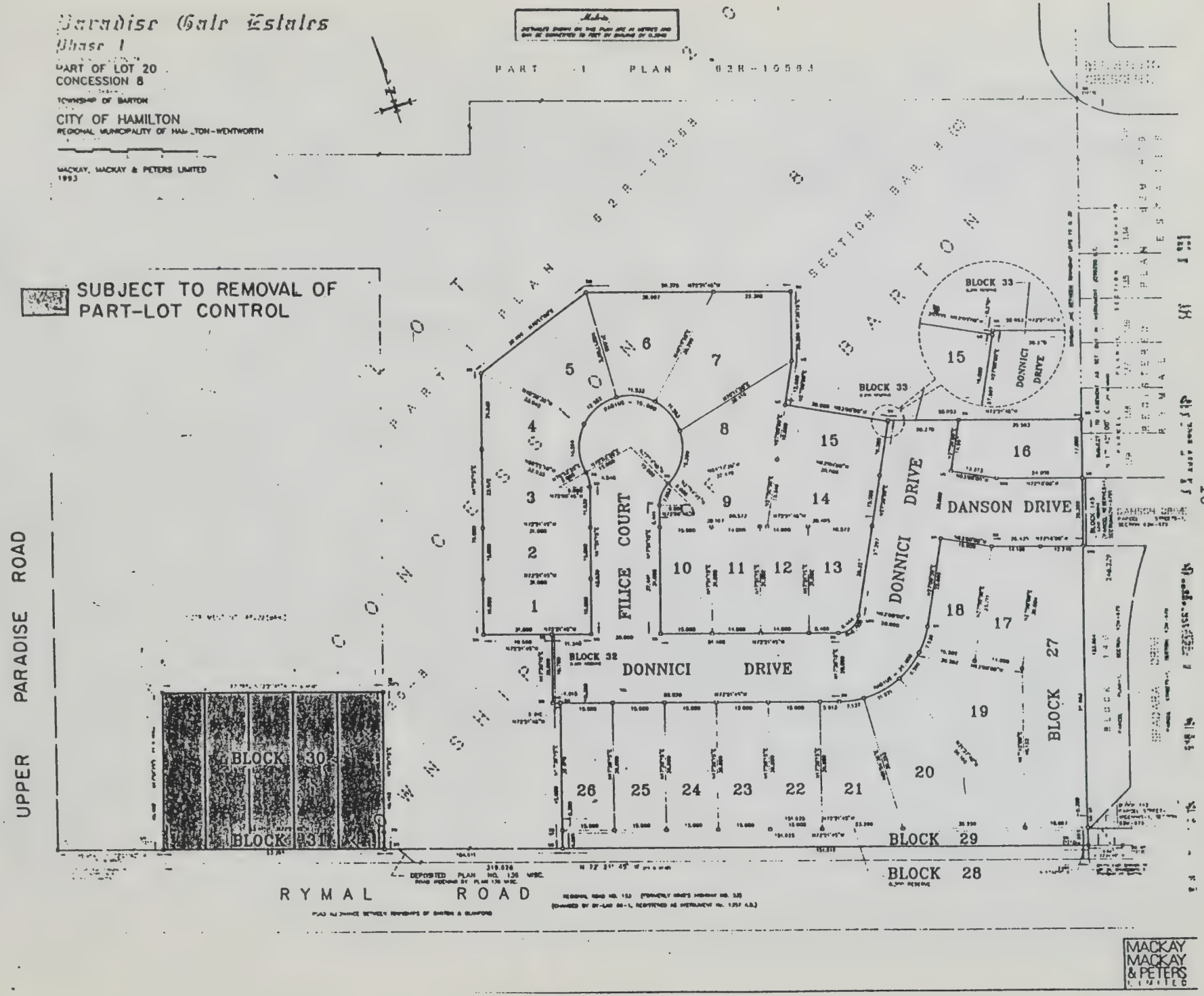
Site of the Application

ZAC-95-24

APPENDIX A


LOT 25
CONCESSION 8
TOWNSHIP OF BARTON
UPPER PARADISE ROAD
RYMAL ROAD
BLOCK 31, 62M-750
BLOCK 30
REGISTERED PLAN 62M-750
PART 1 PART 2 PART 3 PART 4 PART 5 PART 6 PART 7 PART 8
PROPOSED STREET TOWNHOUSES
PROPOSED COMMON RIGHT-OF-WAY
N 72°21'45"W 63.398
N 17°51'15"E 40.561
LEGEND
ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors
NOTE:
SECTION OF BLOCK 30
PARADISE GATE ESTATES
REGISTERED PLAN No. 62
IN THE CITY OF HAMIL
REGIONAL MUNICIPALITY OF HAMILTON

APPENDIX B


Paradise Gate Estates
Phase 1
PART OF LOT 20
CONCESSION 8
TOWNSHIP OF BARTON
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
MACKAY, MACKAY & PETERS LIMITED
1993
PART 1 PLAN 62R-10553
62R-12268
SUBJECT TO REMOVAL OF PART-LOT CONTROL
PART LOT PLAN
SECTION BARTON
BLOCK 33
DONNICI DRIVE
DANSON DRIVE
FILICE COURT
BLOCK 32
BLOCK 30
BLOCK 31
BLOCK 27
BLOCK 29
BLOCK 28
UPPER PARADISE ROAD
RYMAL ROAD
DEPOSITED PLAN NO. 138 MISC.
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MACKAY MACKAY & PETERS LIMITED

APPENDIX C

4.

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 5 1995

DATE: 1995 November 14
(SAC-95-10)
Kentley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision "Kentley Lane"
(File No. SAC-95-10/Regional File 25T-95019)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 95-10 (Regional File No. 25T-95019), Homes by DeSantis Inc. and Marz Homes Holdings Inc., joint owners, to establish a draft plan of subdivision "Kentley Lane", on lands located west of Nash Road North and south of Kentley Drive in the Kentley Neighbourhood, as shown on the attached map marked as APPENDIX "A" subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Planning Initiatives Ltd. and certified by S.J. Balaban, O.L.S. of J.D. Barnes Ltd., dated August 14, 1995, showing 42 lots for single detached dwellings and one street identified as Street "A".

(ii) That the Owner establish Street "A" to its full 20.0m width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision.

(iii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(iv) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measures after each rainfall to the satisfaction of the Senior Director, Roads Department;

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.

(v) That the centreline of the proposed street south of Crawford Drive must align centreline to centreline with the existing road allowance of Crawford Drive.

(vii) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

(viii) That Street "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(ix) That the owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan.

(x) That the final plan conform with the Zoning By-law approved under the Planning Act.

(xi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

(xii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(xiii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(xiv) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95010), Homes by DeSantis Inc. and Marz Homes Holdings Inc., joint owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

(d) That the approved Kentley Neighbourhood Plan be amended to change the designation of the subject lands and the abutting lands to the west from "Civic & Institutional" to "Single and Double" Residential.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Homes by DeSantis Inc. and Marz Homes Holdings Inc., joint owners.

Agent:

John Ariens, Planning Initiatives.

Surveyor:

S.J. Balaban, O.L.S., J.D. Barnes Ltd.

Location:

The lands are located west of Nash Road North, south of Kentley Drive in the Kentley Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The subject property has:

- a width of 200.5 m along Kentley Road;
- a depth of approximately 149 m; and,
- an area of 2.6 ha.

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"C" (Urban Protected Residential, etc.) District
Surrounding Land Use		
to the north	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Single Detached Dwellings and parkland	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the west	Single Detached Dwellings and Vacant Land	"C" (Urban Protected Residential, etc.) District

Subdivision Proposal:

The owner has applied to subdivide the subject lands into 42 lots for single detached dwellings and to construct a public highway (Street "A") (see attached APPENDIX "B").

Application for Consent H-75-95 to H-80-95 Inclusive

The Regional Land Division Committee, at its meeting of September 13, 1995, approved Consent Applications H-75-95 to H-80-95 inclusive. The Consent Applications were to create ten (10) lots fronting onto Nugent Drive (see attached APPENDIX "B").

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

City of Hamilton Official Plan:

The subject lands are designated "Major Institutional". Based on Policy A.2.6.5, the proposed development complies with the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Civic & Institutional" on the approved Kentley Neighbourhood Plan. Approval of the application would necessitate an amendment to the neighbourhood plan to change the designation of the subject lands to "Single & Double" Residential.

Zoning:

The subject lands are zoned "C" (Urban Protected Residential, etc.) District. The proposal complies with the intent of the Zoning By-law.

COMMENTS FROM CIRCULATION:

- The Hamilton Region Conservation Authority advised:

  "The subject property is not located within an area regulated by the Hamilton Region Conservation Authority. As such, a permit from this agency is not required for the proposed development.

  The subject property is located on the west side of Nash Road, south of Kentley Drive and the north and east side of Nugent Drive. The applicant proposes to develop 42 units of detached residential on a 2.6 hectare site. Development of the subject property will increase erosion and sedimentation both on and off the subject property. As such, an erosion and sediment control plan should be prepared and implemented for the subject property. The approved erosion and sediment control plan should be implemented prior to any vegetation removal, grading or construction occurring on the subject property.

  Based on the above, staff of the Hamilton Region Conservation Authority do not have any objection to the approval of this application, subject to the following conditions:

1. THAT all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

2. THAT all erosion and sediment control measures be inspected after each rainfall to the satisfaction of the City Engineer;

3. THAT any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;

4. THAT all disturbed areas be revegetated with permanent cover immediately following completion of construction."

- The Roads Department has submitted the following comments and recommendations:

"For Information:

1. The Environmental Services Department have advised that, Lots 36 to 40 are readily serviceable (from) the Kentley/Crawford sewer systems. Lots 41 and 42 (and "additional lands owned by the applicant") are readily serviceable by the Kentley/Nugent sewer systems.

   Lots 1 to 35 inclusive may be serviced by the extension of the sanitary sewer system from the Crawford Drive/Kentley Drive intersection. For storm sewer capacity reasons Lots 1 to 35 inclusive will require an extension of a storm sewer from the Kentley Drive/Nash Road system.

   The proposed development can be serviced for water from the existing watermain on Kentley Drive. In regards to the preliminary servicing study, the proposed watermain size on Street "A" is satisfactory. The connection points and valving is satisfactory. The consultant will be required to submit a general plan of services showing hydrant locations as part of the engineering submissions.

2. Canada Post have not advised our office of any requirements as of the date of this memo.

3. The H.S.R. have advised our office, that they find the draft plan acceptable, however to encourage transit ridership walking to and from transit routes should have no barriers (to pedestrian movement). For this reason they request that sidewalks be constructed on both sides of the street, in view of winter walking conditions.

4. Our survey section have informed our section that they have no comment regarding this draft plan of subdivision.

5. The Transportation section of our department have informed our section that the centreline of the proposed street south of Crawford Drive must align centreline to centreline with the existing road allowance of Crawford Drive.

6. The daylight triangles at the intersections of Street "A" and Kentley Drive are not required.

7. The draft plan submitted minimizes the traffic impact at the four leg intersection of Street "A", Kentley Drive and Crawford Drive. Further it provides improved access for service vehicles and eliminates the need for municipal garbage trucks to backup to turn around in the cul-de-sac. The proposed crescent eliminates the need for an excessive length cul-de-sac with two ninety degree bends in the roadway. From a servicing perspective, the design eliminates the need for easements over private property to Kentley Drive.

Recommendations:

1. The owner must enter into a subdivision agreement with the Regional Municipality of Hamilton-Wentworth in order to satisfy all financial and engineering requirements prior to the development of any portion of these lands.

2. The owner must enter into a subdivision agreement with the City of Hamilton in order to satisfy all financial and engineering requirements prior to the development of any portion of these lands.

3. That the centreline of the proposed street south of Crawford Drive must align centreline to centreline with the existing road allowance of Crawford Drive.

The submitted plan as prepared by S.J. Balaban, O.L.S. and dated August 14, 1995, is satisfactory to the Transportation/Environmental Services Group subject to the above-noted comments and recommendations."

- The Traffic Division advised that:

"...please be advised that we have reviewed the above application and have no comments."

- The Building Department advised that:

"1. It appears that the lots will conform with the minimum 12.0 m lot width and 360.0 m^2 lot area, but the actual lot areas have not been provided."

It is noted that prior to final approval the owner will have to provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

COMMENTS:

1. The proposal complies with the intent of the Official Plan. It is noted that the subject lands are designated "Major Institutional". Based on Policy A.2.6.5, the proposed development complies with the intent of the Official Plan. It should be noted a redesignation from "Major Institutional" to "Residential" will be done as part of a city initiative to reflect the proposed land use.

2. The proposal conflicts with the approved Kentley Neighbourhood Plan. Approval of the application would necessitate an amendment to the neighbourhood plan to change the designation of the subject lands to "Single & Double" Residential. In addition, the abutting lands to the west should also be redesignated to "Single & Double" Residential given that the applicant will be developing these lands for 10 single detached dwellings upon finalization of Consent Applications H-75-95 to H-80-95 inclusive.

3. The application has merit and can be supported on the following basis:

   - it complies with the intent of the Official Plan;
   - it complies with the "C" District regulations in Zoning By-law No. 6593; and,
   - it is compatible with existing and proposed development in the area.

4. The subject lands are zoned "C" (Urban Protected Residential, etc.) District. The provisions of the "C" District require a minimum lot width of 12.0 m (40 ft) and lot area of 360 sq. m (4,000 sq.ft). The lot sizes for the proposed plan of subdivision range from a minimum lot width of 13.5 m (44.3 ft) to 16.0 m (52.5 ft). The majority of the lot widths of the existing dwellings in the immediate vicinity of the proposed subdivision range from 13.7 m (45 ft) to 15 m (50 ft). As such, the dimension and shape of the proposed lots are in keeping with the lotting fabric of the adjacent developed areas.

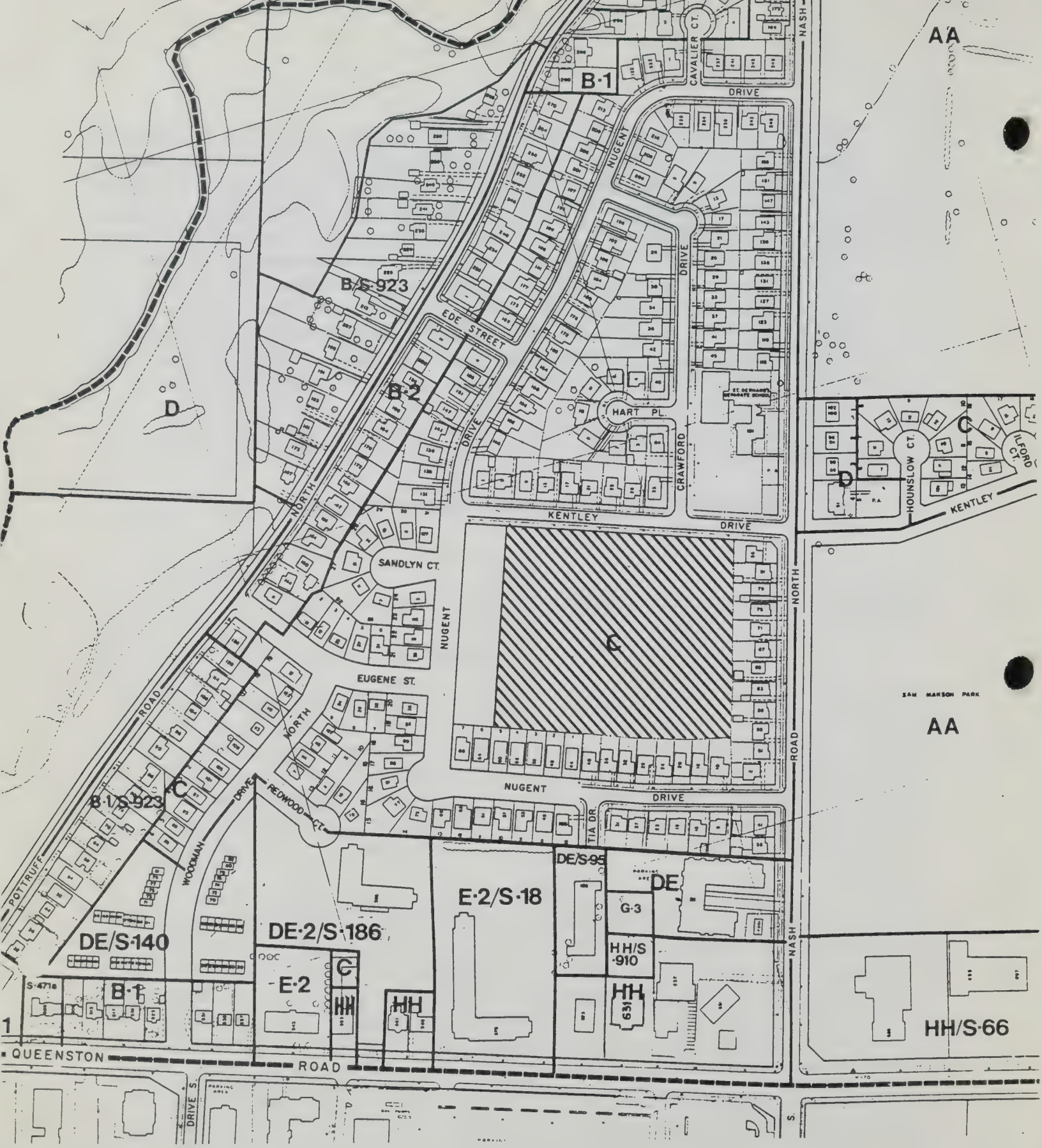
5. Prior to submission of the proposed draft plan, a series of pre-consultation meetings were held with the applicant and City and Regional staff. The applicant initially proposed a 54 unit subdivision incorporating a cul-de-sac (see APPENDIX "C"). The cul-de-sac would have been approximately 225 m (750 ft) in length. The Roads Department and Traffic Division were concerned about the length of the cul-de-sac and requested that the applicant revise the plan to provide for a crescent. In doing so, the applicant reduced the number of units on the interior portion from 44 to 42. Furthermore, the crescent minimizes the amount of traffic at the intersection of Street "A" and Crawford Drive and eliminates the need for servicing easements to loop the water and sewer systems from the bulb of the cul-de-sac and Kentley Drive. Also, in order to maximize pedestrian accessibility, HSR would have required a walkway given the length of the cul-de-sac.

6. The proposed plan of subdivision implements the general intent of the Provincial Comprehensive Set of Policy Statements on housing and urban form in that the draft plan is an example of residential intensification. The development of the site is an efficient use of land in that it provides for additional housing within the established urban area. Furthermore, the proposed road pattern maximizes pedestrian circulation. In addition, the draft plan submitted minimizes the traffic impact at the four leg intersection of Street "A", Kentley Drive and Crawford Drive and provides for improved access for service vehicles and eliminates the need for municipal garbage trucks to backup to turn around in the cul-de-sac. The proposed crescent eliminates the need for an excessive length cul-de-sac with two ninety degree bends in the roadway and from a servicing perspective the design eliminates the need for easements over private property to Kentley Drive.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

SR/sr
SUB95-10.RPT

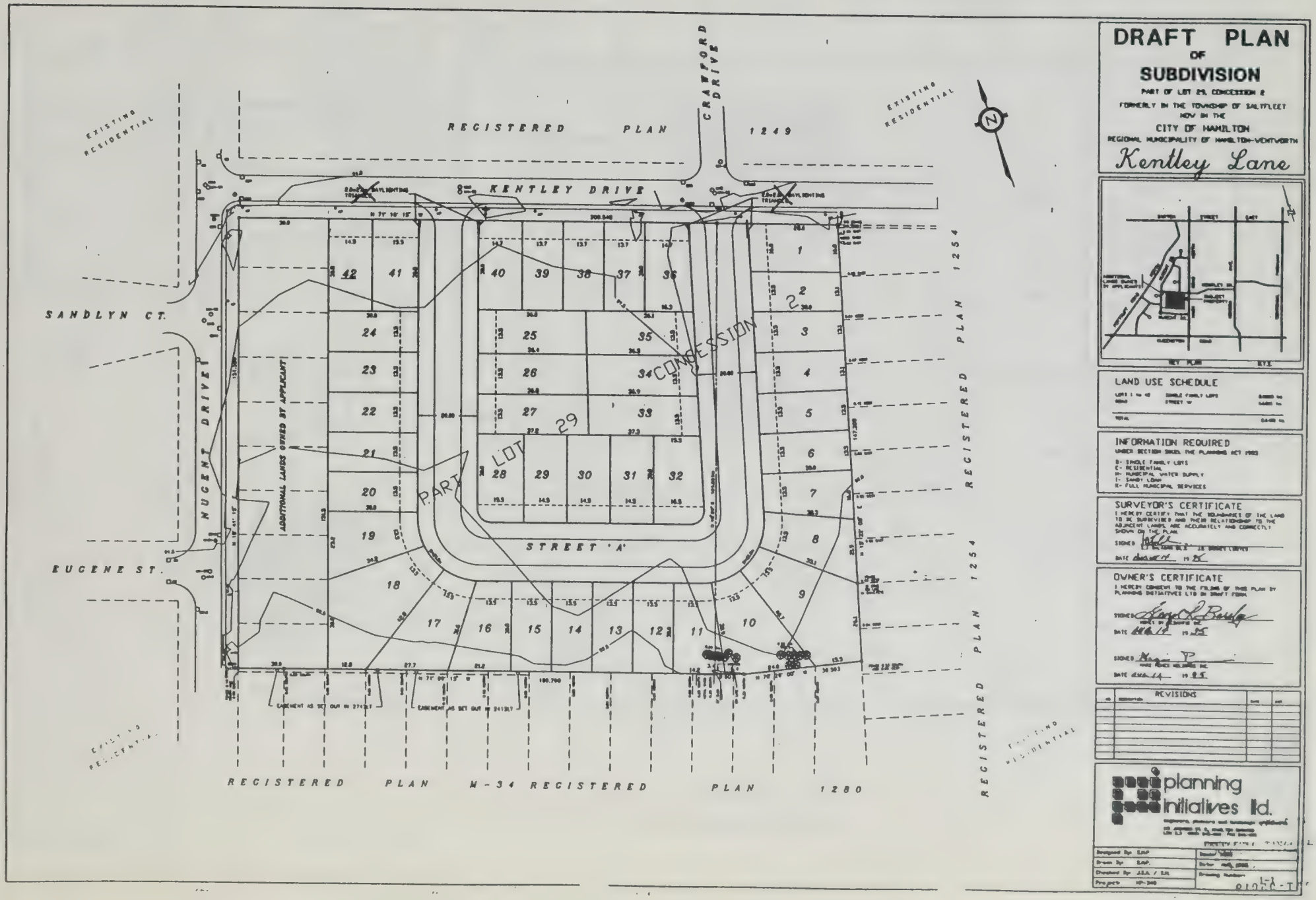


Legend

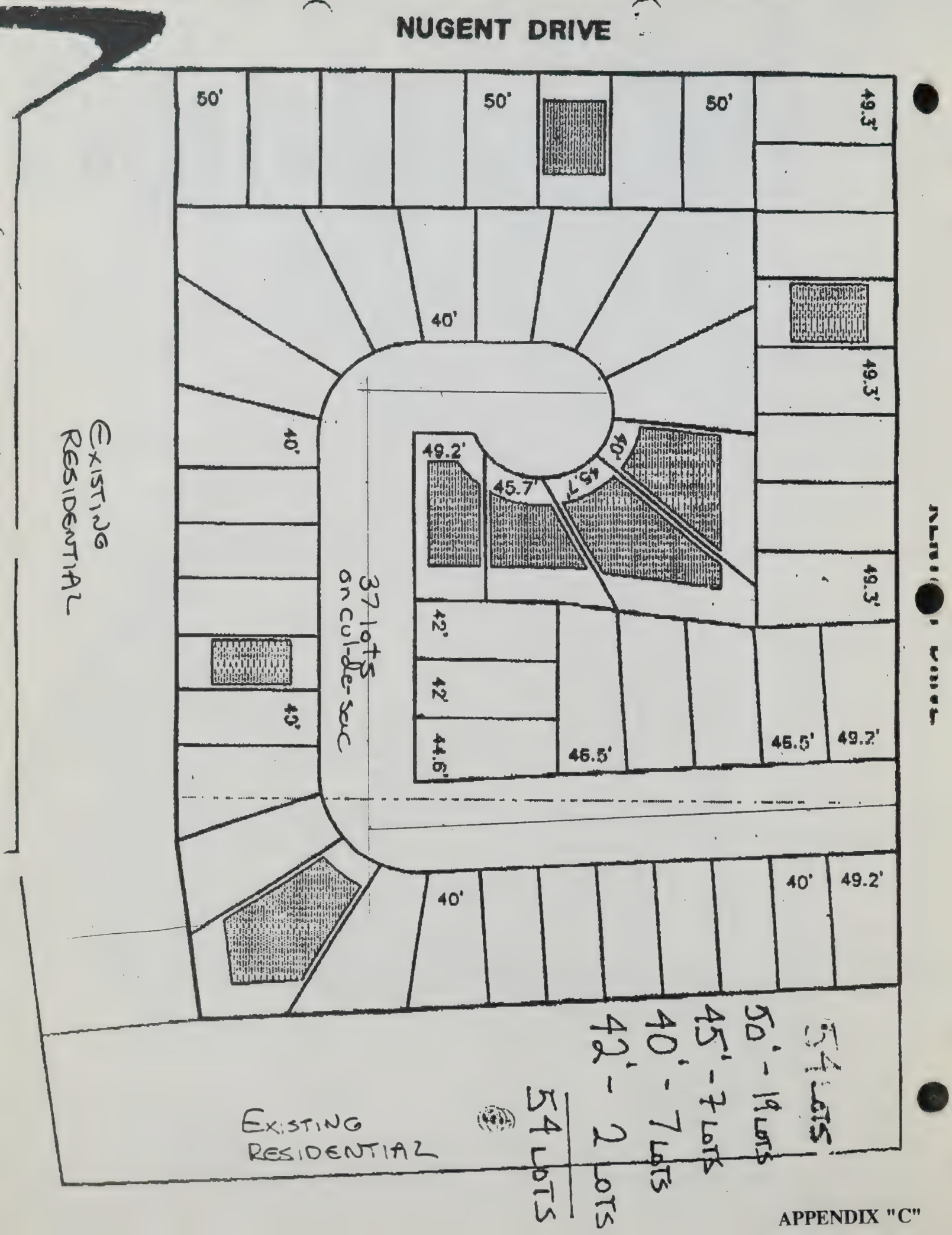
Site of the Application

SAC-95-10 / 25T-95019

APPENDIX "A"


DRAFT PLAN
OF
SUBDIVISION
PART OF LOT 29, CONCESSION 2
FORMERLY IN THE TOWNSHIP OF SALTFLEET
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Kentley Lane
KENTLEY DRIVE
CRAWFORD DRIVE
SANDLYN CT.
EUGENE ST.
NUGENT DRIVE
STREET 'A'
CONCESSION 2
PART LOT 29
REGISTERED PLAN 1249
REGISTERED PLAN 1254
REGISTERED PLAN M-34
REGISTERED PLAN 1280
EXISTING RESIDENTIAL
ADDITIONAL LANDS OWNED BY APPLICANT
LAND USE SCHEDULE
INFORMATION REQUIRED
SURVEYOR'S CERTIFICATE
OWNER'S CERTIFICATE
REVISIONS
planning initiatives ltd.

APPENDIX "B"


NUGENT DRIVE
50'
50'
50'
49.3'
40'
49.3'
40'
49.2'
45.7'
45.7'
49.3'
37 lots on cul-de-sac
42'
42'
44.6'
45.5'
45.5'
49.2'
43'
40'
40'
49.2'
EXISTING RESIDENTIAL
EXISTING RESIDENTIAL
54 LOTS
50' - 19 LOTS
45' - 7 LOTS
40' - 7 LOTS
42' - 2 LOTS
54 LOTS

APPENDIX "C"

4a)

NOV 1 : 1995

575 Queenston Road,
Apt. 819,
Hamilton,
Ontario. L8K 1K1.

Nov. 9, 1995.

Dear Sirs,

I am definitely opposed to to the plan of building 42 single family dwellings on the said land.

It seems that Hamilton is eliminating all green areas of the city, and the idea of so many houses on this patch of land is appalling.

You will take away play areas from children - they skate here in winter.

From whom did these two companies purchase this land? The city?

This is a terrible plan, and approval should be refused.

Sincerely - T.F. Porritt.

PROPOSED CHANGE-ESTABLISH A PLAN OF SUBDIVISION FOR 42 SINGLE FAMILY LOTS

PROPERTY DESCRIPTION SOUTH OF KENTLEY DRIVE AND WEST OF NASH ROAD

I AM IN FAVOUR OF ( )

OPPOSED TO (X) (PLEASE CHECK (X) WHICH)

THIS PROPOSED PLAN OF SUBDIVISION

T.F. PORRITT ..... T.F. Porritt ..... SIGNED

PORRITT TRYPHENA OR OCCUPANT
575 QUEENSTON RD APT 819
HAMILTON ON
L8K 1K1

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT. 546-4414

NOV.10 1995

FILE-SAC9510 SEQ-00571

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1995 NOV.13

Hamilton Region Conservation Authority

46)

November 8, 1995

Secretary
Planning and Development Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

NOV 16 1995

Dear Sir/Madam:

RE: Approval of a Plan of Subdivision and Public Meeting
Homes by DeSantis Inc. and Marz Homes Holdings Inc.
for lands located west of Nash Road North and south of Kentley Drive
City of Hamilton - File Number: SAC-95-10

Staff of the Hamilton Region Conservation Authority have reviewed the above noted proposal and have no objection to its approval. Authority staff provided comments regarding this proposal in the past and note that the same comments still apply (see attached).

Should you have any questions regarding this matter, please contact Ms. Lucilla De Stefano, Planning Technician, at this office.

Yours truly,

B. Scott Konkle, O.A.L.A
Director of Planning and Engineering.

/ld

attach.

P.O. Box 7099, 838 Mineral Springs Road, Ancaster, Ontario L9G 3L3 • (905) 525-2181 or 648-4427 • Office Fax 648-4622 • Shop Fax 525-2214

Hamilton Region Conservation Authority

September 11, 1995

Guy Paparella, M.C.I.P., R.P.P.
Division Head - Plans Administration
Regional Municipality of Hamilton-Wentworth
P.O. Box 910
Hamilton, Ontario
L8N 3V9

Dear Sir:

RE: File No.: **25T-95019**
Subdivision Name: **"Kentley Lane"**
Location: **Pt. Lot 29, Conc. 2, (Saltfleet), City of Hamilton**

Staff of the Hamilton Region Conservation Authority have reviewed the above noted draft plan and offer the following comments for your consideration.

The subject property is not located within an area regulated by the Hamilton Region Conservation Authority. As such, a permit from this agency is not required for the proposed development.

The subject property is located on the west side of Nash Road, south of Kentley Drive and the north and east side of Nugent Drive. The applicant proposes to develop 42 units of detached residential on a 2.6 hectare site. Development on the subject property will result in the removal of the majority of existing vegetation which may increase erosion and sedimentation both on and off the subject property. As such, an erosion and sediment control plan should be prepared and implemented for the subject property. The approved erosion and sediment control plan should be implemented prior to any vegetation removal, grading or construction occurring on the subject property.

..../2

P.O. Box 7099, 838 Mineral Springs Road, Ancaster, Ontario L9G 3L3 • (905) 525-2181 or 648-4427 • Office Fax 648-4622 • Shop Fax 525-2214

Based on the above, staff of the Hamilton Region Conservation Authority do not have any objection to the approval of this application, subject to the following conditions:

1. THAT all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

2. THAT all erosion and sediment control measures be inspected after each rainfall to the satisfaction of the City Engineer;

3. THAT any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;

4. THAT All disturbed areas be revegetated with permanent cover immediately following completion of construction;

Should you have any questions regarding this matter, please contact Ms. Lucilla De Stefano, Planning Technician, at this office.

Yours truly,

B. Scott Konkle, O.A.L.A.
Director of Planning and Engineering.

LD/ld

cc: Mr. Paul Mallard - City of Hamilton Planning Department

5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 14
(CD-95-010)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT:

Rental Housing Protection Act Application CD-95-010 -
350 Concession Street, Inch Park Neighbourhood

RECOMMENDATION:

That Application CD-95-010, under the Rental Housing Protection Act, 350 Concession Limited, owners, for conversion of 27 rental apartment units to condominium units for the property located at 350 Concession Street, be **DENIED** for the following reasons:

i) Approval of the application would have an adverse impact on the supply of affordable rental apartment units in the Hamilton Mountain Zone; and,

ii) There is a lack of alternative vacant units within the Hamilton Mountain Zone to which existing tenants could relocate.

V.J. Abraham

J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner

350 Concession Limited, owner.

Existing Building

The subject property is comprised of one apartment building, seven storeys in height, with a total floor area of approximately 34,000 square feet. The building was constructed in 1962. A total of 5 one-bedroom units, 19 two-bedroom units, and 3 three-bedroom units are contained within the building. None of the units are vacant.

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 350 Concession Street was submitted to the City on April 6, 1995. The subject property is shown on the attached key map. The proposal is to convert the 27 units (5 one-bedroom; 19 two-bedroom; and 3 three-bedroom) to condominium. The agent for the applicant has indicated the units will be sold for the following prices:

- 1 bedroom unit: $79,000 plus $1,000 per floor above ground level;
- 2 bedroom unit: $99,000 plus $1,000 per floor above ground level;
- 3 bedroom unit: $119,000 plus $1,000 per floor above ground level.

Existing tenants will be given a discount of 7% off the above prices.

Proposed Conversion Details

As part of the application, the agent for the applicant has indicated that the following improvements will be made to the units:

- new kitchen cabinets and appliances;
- new fixtures and ceramic tiling in the bathrooms;
- new flooring and carpets;
- paint and wallpaper;
- exterior painting including balconies; and,
- elevator decorating.

Rent Details

The monthly rental charges for the 27 one-bedroom units, effective October, 1994, are as follows:

- The five one-bedroom units have an average monthly rental charge of $530 (the range is $425-$530);
- The nineteen two-bedroom units have an average monthly rental charge of $639 (the range is $594-$671); and,
- The three three-bedroom units have an average monthly rental charge of $700 (the range is $683-$728).

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 350 Concession Street are subject to the Act since the applicant intends to convert the apartment units to condominium status.

The Act notes that council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status. Criteria ii) is not applicable as the applicant is not providing any new rental units. Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 27 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton.

The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 24 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit.
- pricing of units for sale to tenants at the levels set out in the application.
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds

of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.

- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.Reg. 529/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 27 rental units will not adversely affect the supply of affordable rental housing in the City.

Data from the semi-annual Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Rental Market Report is used to ascertain potential impacts of the proposed condominium conversion on the rental housing marketplace. CMHC has divided the City into six geographic zones; the subject property is located within "Zone 6 - Hamilton Mountain Zone". The Hamilton Mountain Zone is bounded on the north by the Escarpment and on the west, south and east by the Hamilton City Limits.

It should be noted that earlier this year, Council approved Application CD-95-009, for condominium conversion of 38 units at No. 30 Summit Avenue. This application is within the same CMHC market zone as the subject application. The analysis of the impact on the vacancy rates within the zone will take this approval into consideration. In addition, Council has approved eight applications for conversion to condominium in 1995. This represents a reduction of 219 rental apartment units in the City.

Rental Housing Supply

The removal of these 27 units, and the 219 additional units previously approved for conversion to condominium by Council this year, would reduce the overall supply of rental housing in the City. It would represent a reduction of 0.79 percent in the 31,154 apartment units (in structures containing six or more units) in Hamilton.

In the Hamilton Mountain Zone, the removal of the 27 units, and the additional 38 units approved for RHPA application CD-95-009, would reduce the overall supply of rental housing. It would represent a reduction of 0.85 percent in the 7,182 apartment units (in structures containing six or more units) in the Hamilton Mountain Zone.

From a broad perspective, the reduction of the overall supply of rental housing on a City-wide basis is negligible. However, the reduction in rental housing supply is more apparent and significant at the Hamilton Mountain Zone level because of the smaller base of available rental units and smaller geographic area.

Monthly Rents

The existing rents are within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995) issued as part of the Comprehensive Set of Policy Statements. The Information Bulletin notes that units with rents of $830 or less per month are "affordable" for the Hamilton-Wentworth area. The current monthly rental charges range from $425 to $721. This makes the units affordable to households between the 38th and 52nd household income percentile, according to the Information Bulletin.

Average Rent Levels
October, 1994

	Total Hamilton	Hamilton Mountain Zone	Subject Property
One-Bedroom	$479	$481	$530
Two-Bedroom	$574	$573	$639
Three-Bedroom	$713	$741	$700

The average rents for the subject property are higher than the City and zone averages for the one and two bedroom units; the average rents for this building are lower for the City and the zone for the three bedroom units.

Vacancy Rates

As recorded by CMHC at April, 1995, the rental apartment vacancy rate for the City was 2.4 percent (in structures containing six or more units). A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, balanced, competitive rental marketplace in a municipality.

The apartment vacancy rate for the Hamilton Mountain Zone was recorded at 1.14 percent in April, 1995, which is below the 2.0 percent level which is considered as indicative of a healthy, competitive rental marketplace. This level is consistent with previous vacancy rate measures for this zone, which have been below 2.0 percent since October, 1977.

For one-bedroom apartments, the vacancy rate in the City as of April, 1995 was 2.27 percent and 1.09 percent for the Hamilton Mountain Zone. For two-bedroom apartments, the vacancy rate in the City as of April, 1995 was 2.3 percent and 1.1 percent for the Hamilton Mountain Zone. For three-bedroom apartments, the vacancy rate in the City as of April, 1995 was 1.5 percent and 0.0 percent for the Hamilton Mountain Zone.

Within the Hamilton Mountain Zone, approval of this condominium conversion proposal and the previously approved application for 30 Summit Avenue (38 units) would increase the vacancy

rate to 1.15 percent (the vacancy rate rises with approval of these conversions as there are no vacant units in the subject buildings to reduce the supply of vacant apartments in the zone). However, as none of the current tenants are interested in purchasing a unit, approval of the application would require the current tenants to move. In this instance, the current vacant supply of rental units within the Hamilton Mountain Zone would decrease as tenants secure alternative accommodation.

The CMHC statistics clearly indicate that the demand for rental housing in the Hamilton Mountain zone is strong as evidenced by a rental apartment vacancy rate that has been below 2.0 percent since October, 1977. Further, removal of the rental apartment units at 350 Concession Street would exacerbate an already tight rental marketplace in this area of the City.

Potential Alternative Accommodation

As of October, 1994 (latest available data) there were approximately 27 vacant one-bedroom units in the Hamilton Mountain Zone with monthly rent charges in the range of $480 to $539. Although there are lower priced vacant units available in the Hamilton Mountain Zone, the number of these available units does not meet the needs (in terms of unit size) of tenants at 350 Concession. In particular, the majority of vacant units in the zone are one-bedroom units whereas the majority of units in the building are two-bedroom units. The supply of vacant two and three-bedroom units is extremely limited in this zone (one two-bedroom unit and zero three-bedroom units).

Summary

The review of the vacancy rates has shown that there will be a negative impact on the Hamilton Mountain rental marketplace should Council approve this application for conversion. In particular, approval of the application would reduce the supply of rental units within the Hamilton Mountain Zone, which has not recorded a rental apartment vacancy rate of 2.0 percent or greater since October, 1977. In addition, the opportunity for relocating the existing tenants to other units within the Hamilton Mountain Zone is constrained by a limited number of available vacant units.

AFFORDABILITY OF CONVERTED UNITS:

The applicant's agent has indicated the units will be sold for between $99,000 and $119,000 with a premium paid for units above the ground floor. The following chart shows the income required to rent the unit versus the income required to own the unit.

Unit Type	Average Rent	Income Required to Rent	Sale Price	Income Required to Own (Min.)
One Bedroom	$530	$21,000	$79,000	$31,400
Two Bedroom	$639	$25,600	$99,000	$39,750
Three Bedroom	$700	$28,000	$119,000	$47,540

The units are less affordable as ownership units than rental units in that the income required to support the unit is greater than what is required to rent the unit. However, the units, as both ownership and rental units, are within the affordable guidelines set by the Province.

EXISTING TENANTS:

The public meeting with the tenants, which is now a requirement of City Council, was held on October 12, 1995. Twenty-two of the twenty-seven tenants attended this meeting. Several concerns were expressed by the tenants, and can be summarized as follows:

- the lack of upkeep of the property by the owner;
- the expenditures existing tenants have made on their units;
- general opposition to the conversion of the building.

A petition was organized by the tenants and submitted to the Planning and Development Department. Twenty-five tenants signed the petition and all of those tenants are opposed to the conversion. None of the existing tenants are interested in purchasing their unit. A copy of the petition is attached as Appendix "B". The minutes of the meeting are available from the Planning and Development Department.

COMMENTS:

As noted previously, removal of the 27 rental units at 350 Concession Street would cause an adverse impact on the supply of affordable rental housing, due to the persistently low vacancy rate for the Hamilton Mountain Zone as a whole and low vacancy rates for two and three-bedroom units in the Zone. The rental apartment vacancy rate for the Hamilton Mountain Zone was recorded by CMHC at 1.14 percent as of April, 1995 and has not risen above 2.0 percent since October, 1977. A vacancy rate of between 2.0 and 3.0 percent is considered by CMHC as indicative of a healthy, balanced, competitive rental marketplace.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.



City of Hamilton

Key Map

Rental Housing Protection Act

350 Concession St.

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CD-95-010
	Date	Drawn By
	Nov. 1995	R.L.

APARTMENT #	ARE YOU INTERESTED IN PURCHASING A SUITE? YES" OR "NO"	YEARS OR MONTHS OF TENACY AT ADDRESS	TENANTS SIGNATURE
101	SUPERINTENDENT		
102	NO	9 YRS.	B Turner & G
103	NO	4 YRS.	Ed Drain
201	NO	22 YRS	BJ Hurley
202	NO	10 yrs.	[illegible]
203	No	31 yrs	J. Watkins
301			
302	NO	8 1/2	D. Davidson
303	NO	7 MTHS	E. O'Rourke
401	NO	5 mths.	[illegible]
402	NO	15 YRS.	Myrtle Beck
403	NO	8 YRS.	C Lang
501	N/o	21 YRS.	J. Inskip.
502	NO	6 YRS.	H. Johnson
503	No	1 months	[illegible]
601	No	4 YRS	H. Clarke
602	No	4 YRS.	J Cowie
603	NO	1 YEAR	W. A. Barclay
701	NO	5 Months	[illegible]
702	No	22 YRS	[illegible]
703	NO	23 YEARS	J. A. Barclay
801	No	29 YRS	[illegible]
802	NO	6 YRS	J. Wilkenson
803	No	17 YRS	[illegible]
901	[illegible]	[illegible]	[illegible]
902	No	20 years	E. Tenson
903	NO	29 YRS.	[illegible]

6.

CITY COUNCIL
HAMILTON, CANADA

Alderman Tom Jackson

71 MAIN STREET WEST L8N 3T4 • (905) 546-2730 • (905) 546-2707 • RES. (905) 383-3470 - WARD 6

7 November 1995.

Mrs. Tina Agnello, Secretary,
Planning & Development Committee,
City Clerk's Department.

NOV - 9 1995

Dear Mrs. Agnello:

Re: Zoning By-Law - Central Air Conditioners

I have received a number of complaints both from individual constituents and the industry with respect to Zoning By-law restrictions related to location of central air conditioning condenser units.

The consensus being, that the present requirements are too restrictive. I have also received similar comments with respect to requirements for set backs for swimming pool pumps, filters and heaters.

I would, therefore, request that the Planning and Development Committee direct staff from both the Planning Department and the Building Department to review the appropriate sections of the Zoning By-Law with a view to relaxation of the present restrictions.

Yours truly,

Tom Jackson

Tom Jackson,
Alderman, Ward 6.

TJ/njb

c.c. Alderman Bob Charters, Ward 6.
Alderman Don Drury, Chairman, Planning & Development Committee.
Mr. Les Mady, 9 Rideau Crescent, Hamilton. L8T 2T1.

Copy to L. King & V Abraham 1995 NOV 15 TJ

7.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 October 31

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

L. King
Building Commissioner

SUBJECT: Special Legislation for Loans to Tenants in Community Improvement Areas

RECOMMENDATION:

That the Province be requested to enact special legislation, similar in form to Schedule "A" attached, to permit the City to make loans or grants to tenants located within a Community Improvement Area for the purpose of rehabilitating the premises leased by the tenants, in conformity with the Community Improvement Plan.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See below.

BACKGROUND:

Council, on June 27, 1995, in adopting Section 8 of the 15th Report of the Planning and Development Committee authorized an amendment to the Barton Street Community Improvement Plan. The resolution also authorized the Law and Building Departments to report back to your Committee on special legislation that is necessary to enable the City to make grants or loans to tenants of premises located within a Community Improvement Area.

DISCUSSION:

The attached draft Act, if enacted by the Province, would give the City the power to make loans to tenants of premises located within a Community Improvement Area. The Housing and Loans Division of the Building Department has received requests by tenants for loans to rehabilitate stores within a Community Improvement Area. The Community Improvement provisions of the Planning Act currently only allow the City to make grants or loans to the registered owners of properties within a Community Improvement Area. The draft Act would also regulate the form of security the City may accept from a tenant.

If the above recommendation is approved, the Law Department will submit the attached draft Bill to the Province along with the request for Special Legislation

PNJ/LEF:as
Enc.

BYLAW\TENANTS.REC

Bill Pr **1995**

An Act respecting the City of Hamilton

Preamble

The Corporation of the City of Hamilton has applied for special legislation in respect of the matters set out in this Act.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. As part of a Community Improvement Plan adopted by by-law by The Corporation of the City of Hamilton pursuant to the provisions of section 28, the Planning Act, the Council of The Corporation of the City of Hamilton may enact by-laws to provide, on such terms and conditions as may be set out in the by-law, loans or grants to tenants, to pay for the whole, or any part, of the cost of rehabilitating the lands and buildings occupied by them in conformity with the Community Improvement Plan.

2. (a) The said by-law of The Corporation of the City of Hamilton may specify the types and form of security the municipality may require from such tenants to secure the performance of the works being funded by the municipality and the repayment of the loan, if any.

(b) Such by-law may require and the municipality is permitted to accept, a mortgage in favour of the municipality on property owned by the tenant or on property owned by the guarantor of the tenant's obligations to the City. Such mortgage security may be on property located within or outside the municipality.

3. By-law(s) enacted by the municipality pursuant to subsections (1) and (2) above are subject to the approval of the Minister of Municipal Affairs and Housing.

4. The prohibition in subsection 111(1) of the Municipal Act does not apply to any by-law(s) enacted by the municipality pursuant to subsections (1) and (2) above, which have been approved by the Minister of Municipal Affairs and Housing.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short Title

6. The short title of this Act is the *City of Hamilton Act, 1995.*

8.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 9

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **1996 Meeting Schedule -**
Planning and Development Committee

RECOMMENDATION:

That the attached schedule of meetings for the Planning and Development Committee for 1996 be approved.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

TA/jt

cc: B. Carter, Administrative Assistant
City Clerk's Office

PLANNING AND DEVELOPMENT COMMITTEE
SCHEDULE OF MEETINGS FOR 1996

Deadline for Reports 12:00 o'clock noon	Staff Agenda Review Meetings 10:00 o'clock a.m. Room 219	Committee Meetings 9:30 o'clock a.m. Room 233	Council Meetings 7:30 o'clock p.m. Council Chambers
Jan. 16	Jan. 18	Jan. 24	Jan. 30
Jan. 30	Feb. 1	Feb. 7	Feb. 13
Feb. 13	Feb. 15	Feb. 21	Feb. 27
Feb. 27	Feb. 29	Mar. 6	Mar. 12
Mar. 12	Mar. 14	Mar. 20	Mar. 26
Mar. 26	Mar. 28	Apr. 3	Apr. 9
Apr. 16	Apr. 18	Apr. 24	Apr. 30
Apr. 30	May 2	May 8	May 14
May 14	May 16	May 22	May 28
June 11	June 13	June 19	June 25
June 25	June 27	July 3	July 9
Aug. 13	Aug. 15	Aug. 21	Aug. 27
Sept. 10	Sept. 12	Sept. 18	Sept. 24
Sept. 24	Sept. 26	Oct. 2	Oct. 8
Oct. 15	Oct. 17	Oct. 23	Oct. 29
Oct. 29	Oct. 31	Nov. 6	Nov. 12
Nov. 12	Nov. 14	Nov. 20	Nov. 26
Nov. 26	Nov. 28	Dec. 4	Dec. 10

9.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 November 22nd
9:30 o'clock a.m.
Room 233, City Hall

A. **ADOPTION OF THE MINUTES**

Minutes of the meeting held 1995 November 8

B. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

Barton General Business Improvement Area - Expansion of Boundaries

C. **BUILDING COMMISSIONER**

(a) Residential Rehabilitation Assistance Program Agency Agreement

(b) 228 Crockett St - Hamilton Emergency Loan Program

(c) 74 Burlington St E - Hamilton Emergency Loan Program

(d) Barton Street Revitalization- Christmas Event Budget

(e) Demolitions:
- (i) 1334 Upper Sherman Avenue
- (ii) 1340 - 1342 Upper Sherman Avenue
- (iii) 1348 Upper Sherman Avenue
- (iv) 255 Rymal Road West (Building #5)

D. **DIRECTOR OF PLANNING AND DEVELOPMENT**

Authorization for Staff Attendance at an OMB hearing for Property located at 77 Ward Avenue, Committee of Adjustment Application A-95-206

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

(a) Information Items

(b) Making Cities Livable Conference

Wednesday, 1995 November 8
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.



There were present: Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor R. Morrow
Alderman W. McCulloch
Alderman B. Charters
Alderman M. Caplan
Alderman F. Eisenberger
Alderman H. Merling

Regrets: Alderman G. Copps, Illness

Also present: Alderman M. Kiss
V. Abraham, Director of Planning and Development
P. Mallard, Planning Department
B. Janssen, Planning Department
P. Noé Johnson, City Solicitor
D. Powers, Law Office
P. Lampman, Building Department
E. Chajka, Transportation and Environmental Services
G. Gambioli, Housing Department
R. Karl, Traffic Division
T. Agnello, Secretary, Planning and Development Committee

1. **Zoning Application 95-26, by Whatmough Management Inc. (Sarah Whatmough), owner, for a modification to the "D" District for Lands Located at 412 Aberdeen Avenue**

The Committee was in receipt of a report from the Director of Planning and Development dated 1995 October 31.

Submissions were received from the following people:

(a) Sophie and Edmund Ritz, 209 Homewood Avenue, Hamilton
(b) Robert W. Morrow, 408 Aberdeen Avenue, Hamilton

Paul Mallard advised that the application is to permit a bookstore in the existing residential unit. He stated that this is akin to a home occupation. It is a minor extension of the existing residential use. He stated that if the applicant wishes to expand the business, she cannot do so in the present location.

Mr. Mallard stated that there is a minor amendment to the recommendation - that 2(b)(iii) be changed from "vertical dimension" to "height".

Of 232 notices circulated, 19 responded in favour and 24 opposed.

The applicant was present in favour of the application.

Mr. W. Morrow was present and stated that he lives at 408 Aberdeen and opposes the application. He was concerned that the Department of Public Works and Traffic are not in a position to support the application and that they believe that it is contrary to the approved Neighbourhood Plan and may set an undesirable precedent. With regard to parking he stated that there is no parking and no stopping on both sides of the street, and as such there will not be a location for people to park their vehicles. He provided a sketch to the Committee showing two cars parked in the driveway and stated that this was a problematic situation since the oncoming traffic would be blocked by a pole, a tree and a hedge. He also added that the premises is presently being used as a two-family dwelling.

In conclusion he stated that he is concerned that a ruling in favour of allowing a bookstore would be passed on to any new property owners and he is not in favour of this since it is historically a residential neighbourhood.

Ms. Whatmough stated that she does not expect vehicular traffic, just walk-in. She stated though that there is room for 3 cars if needed in the driveway of the property.

With regard to the tenant, she stated that since the bookstore is not planned to be open until May, 1996, she has people living in the front of the home for extra income until that time.

Paul Mallard advised that it is not a home occupation in the strict sense since the owner will be able to hire people other than relatives to work at the bookstore, however the use is restricted to 15% of the floor area of the residence.

Alderman Kiss stated that this is a potential building to be designated on the L.A.C.A.C. list. She also stated that she has been included in the Kirkendall Neighbourhood meetings and it is their intention to maintain the residential characteristic of their neighbourhood. As such she has concerns with the request.

Alderman Caplan felt that the request for a bookstore is a minor change and as such he is supporting the Planning Department recommendation.

In response to a question from Alderman Eisenberger, Roland Karl stated that Traffic and Public Works Departments see the new use as commercial, whereas Planning sees it as a home occupation. Paul Mallard added that this property is also located on the threshold of a commercial area, therefore it is a minor extension of the commercial area.

Following brief discussion, the Committee approved the following recommendation to include an amendment to require the use to be restricted to an owner-occupied situation as follows:

(a) That approval be given to Amended Zoning Application ZAR-95-26, Whatmough Management Inc. (S. Whatmough), owner, requesting a modification to the "D" (Urban 1 Protected Residential - One and Two Family Dwellings, etc.) District regulations, to permit a book store on the ground floor of the existing dwelling, for property located at No. 412 Aberdeen Avenue, as shown on the attached map marked as Appendix "A", on the following basis:

(i) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations as contained in Section 10. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(1) Notwithstanding Section 10.(1) of Zoning By-law No. 6593, the following shall be permitted:

(a) a retail book store carried on for remuneration entirely within the existing dwelling by an owner residing in the dwelling unit as their principal place of residence, subject to the following requirement:

(i) a retail book store shall be located only on the ground floor of the existing building, with a maximum floor area not to exceed 15% of the total habitable floor area of the dwelling unit; and,

(b) one non-illuminated business identification sign that is a name plate or a ground sign, subject to the following requirements:

(i) the area of any sign shall not exceed 0.2 m^2;

(ii) a ground sign shall be located a minimum of 3.0 m from the front lot line and east side lot line; and,

(iii) a ground sign shall have a maximum height of 1.0 m.;

(b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1350, and that the subject lands on Zoning District Map W-14 be notated S-1350;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-14, for presentation to City Council;

(d) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the special meeting held 1995 October 31 were adopted as circulated.

As recommended in various reports in the Consent Agenda, the Committee recommended to Council as follows:

B. BUILDING COMMISSIONER

(a) **Demolition, 1406 Upper Sherman Avenue**
(b) **Demolition, 130 Lawrence Road**

That the Building Commissioner be authorized to issue demolition permits, in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended, as follows:

1406 Upper Sherman Avenue
130 Lawrence Road

(c) **Commercial Loan Programme, 468 Barton Street East**

(a) That a Commercial Loan in the amount of eight thousand, eight hundred and eight dollars ($8,808.) to James Malcolm McLean for improvements to 468 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 percent, amortized over a ten year period, and;

(b) That a grant from the Barton Street Revitalization Fund in the amount of four thousand, four hundred and four dollars ($4,404.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program, subject to receipt of Provincial funds being the second instalment of $100,000. under the program.

(d) **Commercial Loan Programme, 478-484 Barton Street East**

(a) (i) That a Commercial Loan in the amount of twenty-five thousand dollars ($25,000.) to Whitefriargate Investments Inc. for improvements to 480 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 per cent, amortized over ten years, and;

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

(b) (i) That a Commercial Loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000.) to Whitefriargate Investments Inc. for rehabilitation to 478-484 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 per cent, amortized over 10 years, and;

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

C. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Proposed Draft Plan of Subdivision "Wentworth Court Addition" by the owner Tyka Investments Limited, on Lands Located West of Upper Wentworth Street on Crerar Drive in the Crerar Neighbourhood

(a) That approval be given to application SAC-95-07 (Regional File No. 25T-95008), Tyka Investments Limited, owner, to establish a draft plan of subdivision "Wentworth Court Addition", on lands located west of Upper Wentworth Street on Crerar Drive in the Crerar Neighbourhood, as shown on the attached map marked as Appendix "B", subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clark and Associates Ltd. and certified by B.J. Clark, O.L.S., dated March 16, 1995, showing 4 lots for single family dwellings and 2 blocks for future residential purposes, and the extension of Crerar Drive, attached as Appendix "C";

(ii) That the Owner acquire all necessary lands to establish Crerar Drive to its full width and that these lands be conveyed to the City of Hamilton as a public highway prior to registration of the final plan of subdivision;

(iii) That the radius of the cul-de-sac bulb be increased to a minimum of 15.0 metres;

(iv) That Block 6 be developed in conjunction with the abutting lands to the west;

(v) That the street be named to the satisfaction of the City of Hamilton;

(vi) That the final plan conform with the Zoning By-law approved under the Planning Act;

(vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

(viii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes;

(ix) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton;

(x) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton;

(xi) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, City of Hamilton, a municipal street numbering plan;

(xii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xiii) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95008), Tyka Investments Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the Regional Commissioner of Planning and Development be advised that the City of Hamilton has no objection to the request by Robert Shelly to red-line revise the adjacent Draft Approved plan of subdivision "Wentworth Court" (Regional File No. 25T-85037) to reflect the lotting pattern and cul-de-sac location of the "Wentworth Court Addition" plan; and,

(d) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

3. OTHER BUSINESS

(a) Outstanding Items

The Committee reviewed the items on the Outstanding List.

(b) In Camera Session

The Committee adjourned in camera to discuss matters of litigation and reconvened immediately thereafter with the following report:

> Regarding the scheduled November 24, 1995 Ontario Municipal Board Hearing of an appeal of Committee of Adjustment decision (A-94:214) granting a variance to increase the number of permitted beds from 6 to 8 in a residential care facility at 121 Ivon Avenue, that the Law Department be directed instead of defending the decision of the Committee, to seek an adjournment of the hearing in order to allow the applicant to fulfill the parking requirements of By-law No. 6593, or to receive approval to a further minor variance with respect to compliance with the parking requirements contained in By-law No. 6593.

4. ADJOURNMENT

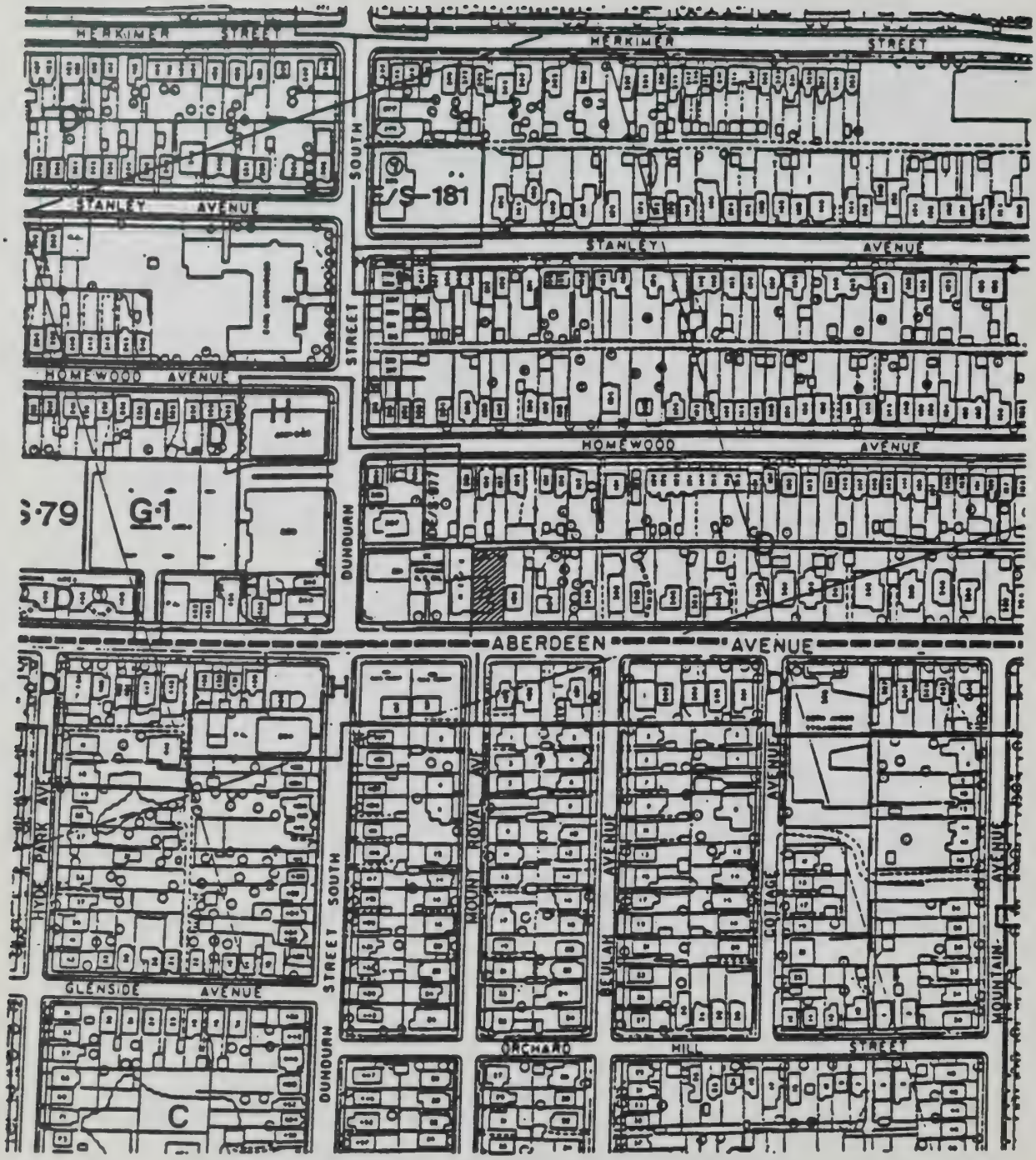
There being no further business, the Committee meeting adjourned.

Taken as read and approved.

Don Drury
Chairperson
Planning and Development Committee

Tina Agnello
Secretary
Planning and Development Committee

/jt

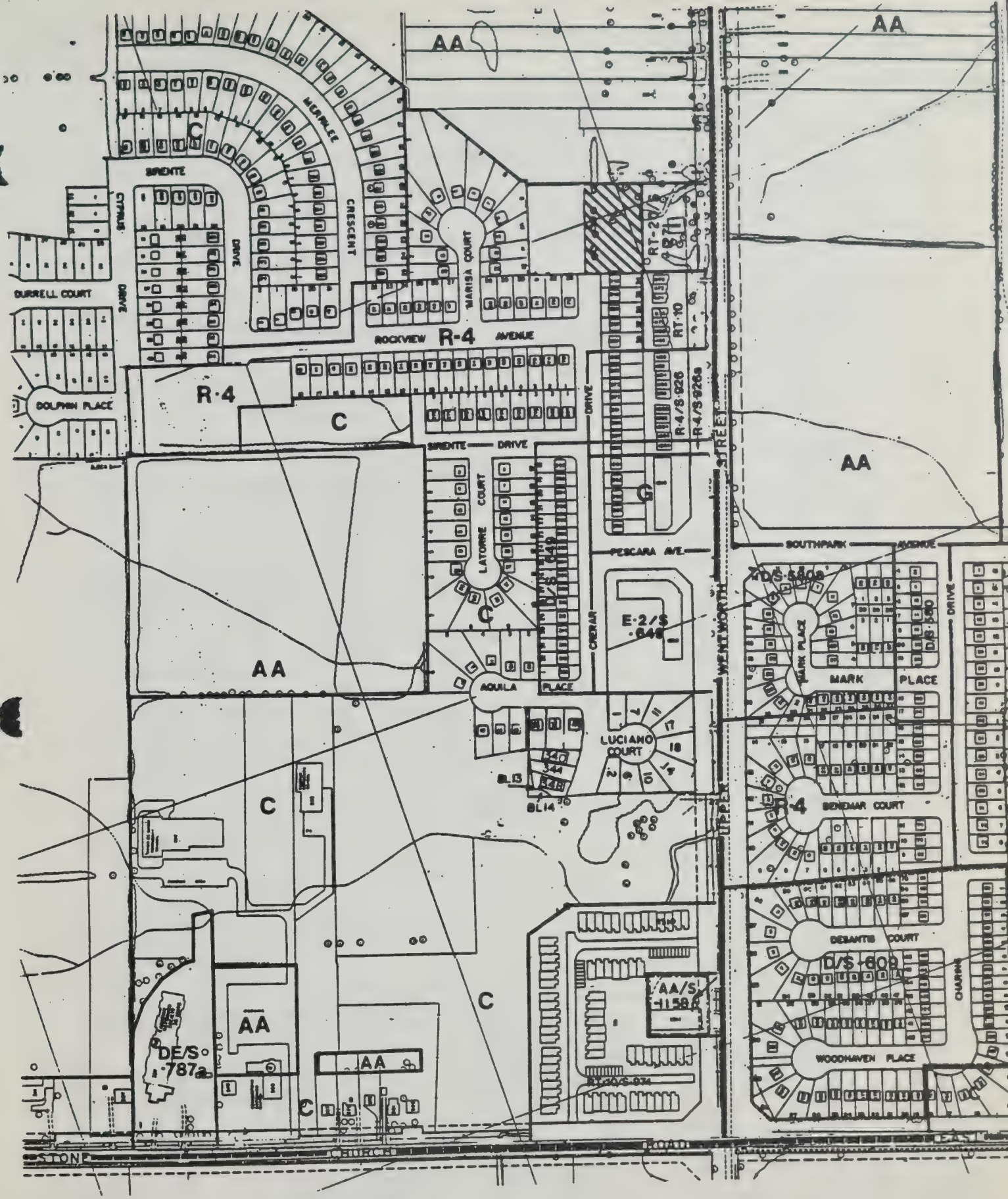


Legend

Site of the Application

ZAR-95-26

APPENDIX A

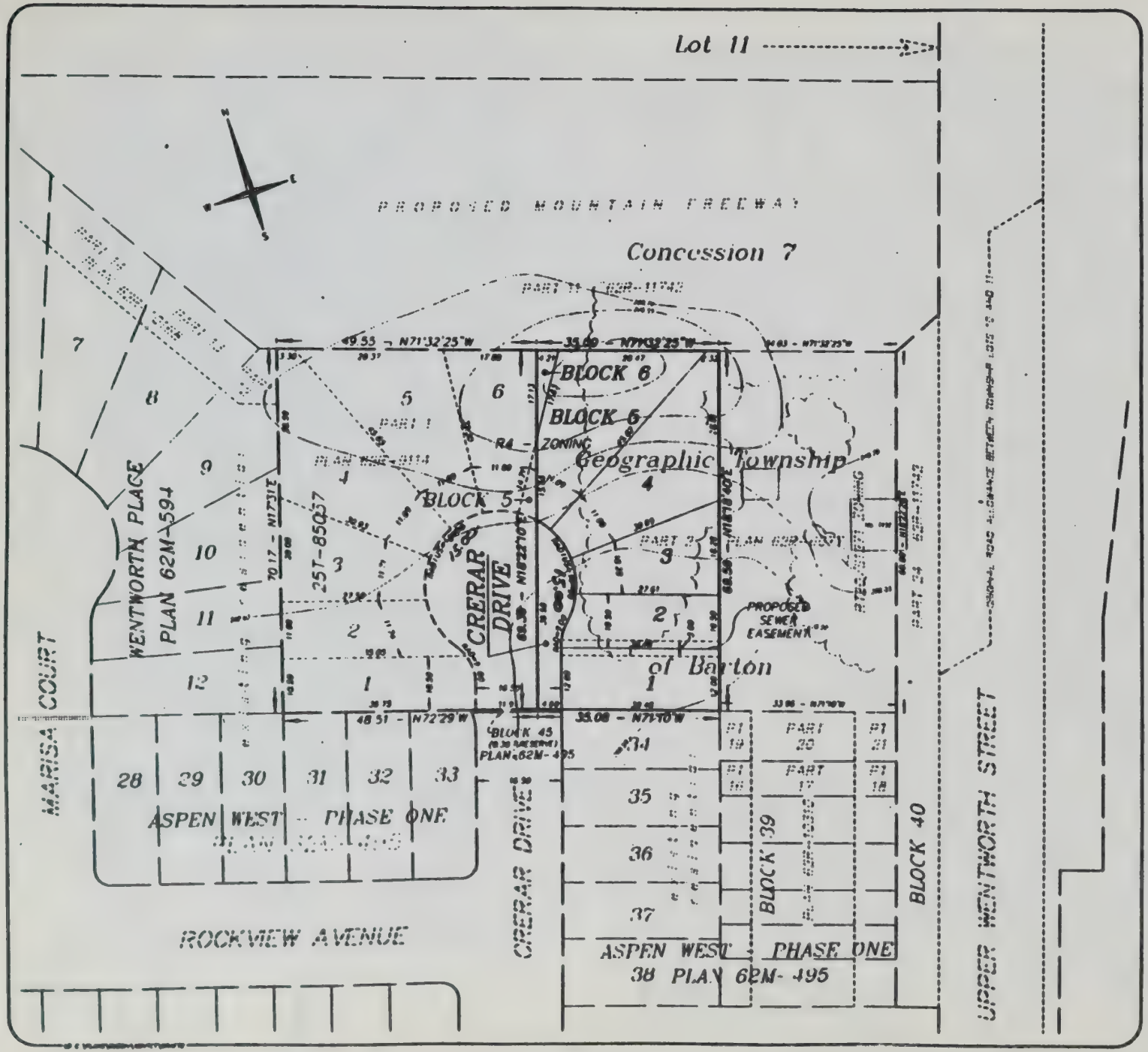


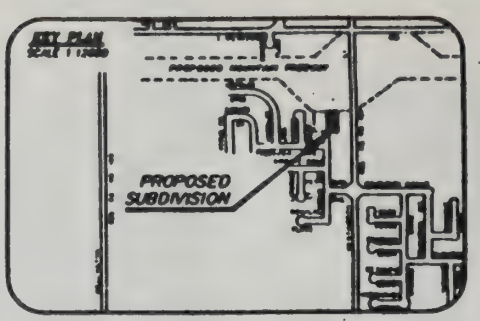
Legend

Site of the Application

SAC - 95 - 07

APPENDIX "B"





DRAFT PLAN OF

WENTWORTH COURT ADDITION

BEING A PROPOSED SUBDIVISION OF

PART OF LOT 11 – CONCESSION 7

GEOGRAPHIC TOWNSHIP OF BARTON

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

SCALE 1:500

0 5 10 15 20 metres

B. J. CLARKE O.L.S.

1990

NOTE THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE CHAPTER P. 13 R.S.O. 1990 SECTION 51 (17) THE PLANNING ACT

A. SHOWN ON PLAN	G. SHOWN ON PLAN
B. SHOWN ON PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
C. SHOWN ON PLAN	I. CLAY LOAM
D. SEE LAND USE SCHEDULE	J. SHOWN ON PLAN
E. SHOWN ON PLAN	K. MUNICIPAL SEWERS TO BE INSTALLED BY SUBDIVIDER
F. SHOWN ON PLAN	L. SHOWN ON PLAN

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

MARCH 16, 1990 — DATE

B. J. CLARKE — ONTARIO LAND SURVEYOR

OWNER'S CERTIFICATE

WE, TYLA INVESTMENTS LIMITED BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES LTD TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH FOR THEIR APPROVAL

MARCH 20, 1990 — DATE

TYLA INVESTMENTS LIMITED — PRESIDENT

LAND USE SCHEDULE

TOTAL AREA OF PROPOSED SUBDIVISION = 0.7 Hectares (1.9 ACRES)

LOTS 1 TO 6 – SINGLE FAMILY RESIDENTIAL – PROPOSED R4 ZONING

BLOCKS 5 & 6 – SINGLE FAMILY RESIDENTIAL – PROPOSED R4 ZONING – TO BE DEVELOPED IN CONJUNCTION WITH ADJACENT LANDS

SUBDIVISION APPROVAL

APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY THE GOVERNMENT OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

THIS ____ DAY OF ____, 19____

AUTHORIZED BY A BY-LAW OF THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

APPROVED BY BY-LAW No. 90-170

A. J. Clarke and Associates Ltd.

ONTARIO LAND SURVEYORS . CONSULTING ENGINEERS

150 JAMES STREET SOUTH, SUITE 120

HAMILTON, ONTARIO L8P 3A6

TEL. (416) 529-6701 FAX (416) 529-2280

APPENDIX "C"

B.

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 3 1995

DATE: 1995 November 6

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Barton General Business Improvement Area (B.I.A.) - Expansion of Boundaries.

RECOMMENDATION:

1. That the Barton General B.I.A. boundaries be expanded to include 486 Barton Street East; and,

2. That the City Clerk's Department be authorized and directed to circularize the existing and proposed expansion area with the notice of intent to amend the designating by-law in accordance with Section 220 of the Municipal Act; and,

3. That the Law Department be authorized and directed to prepare the necessary amending by-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

By-law No. 87-178 designating the Barton General B.I.A. requires further amendment to expand the boundaries of the Barton General B.I.A.

BACKGROUND:

On 1995 October 30 the Public Works and Traffic Department was in receipt of a letter from the Barton General B.I.A. (attached as Appendix 'A') requesting that their B.I.A. boundaries be expanded. This expansion will incorporate an existing recording studio business that was formerly occupied by a jewellery store and not included within the original designating by-law at the request of the former merchant. In accordance with Section 220 of The Municipal Act, all of those within the existing and proposed expansion area assessed for business purposes and included on the last revised assessment roll must receive notice of the intention to pass the by-law.

HM:hm

c.c. Alderman B. Morelli, Ward Three

Alderman D. Drury, Ward Three

Mr. K. Cody, Chairman, Barton General B.I.A.

Ms. P. Noe Johnson, City Solicitor
Attn: Mr. A. Zuidema, Solicitor

Mr. A. Ross, City Treasurer
Treasury Department

Ca)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 13 1995

DATE: 1995 November 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Residential Rehabilitation Assistance Program
Agency Agreement (95.2.4.2.1.A)

RECOMMENDATION:

That the revised Agency Agreement with Canada Mortgage and Housing Corporation (CMHC) for the delivery of the Residential Rehabilitation Assistance Program (R.R.A.P.) in Hamilton, attached hereto as Appendix "A", be approved and the Mayor and City Clerk be directed to execute the agreement on behalf of the Corporation of the City of Hamilton.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The City receives from Canada Mortgage and Housing Corporation a fee of $801. per R.R.A.P. grant/loan made. The funds provided to applicants come from the Federal Government, through CMHC. The total 1995 budget for Hamilton is $348,000. The Law Department has reviewed the agreement and has not expressed any concern with it. The appendix to the Agreement, Appendix 1, is a description of the boundaries applicable to this agreement and is not attached to this report in order to save paper.

.../2

BACKGROUND:

The City of Hamilton has been successfully administering the Residential Rehabilitation Assistance Program in the City of Hamilton since it's inception in 1974. Over the last twenty-one years the City has provided vital rehabilitation assistance to over 3955 homeowners. The City's commitment represents one of the most successful housing rehabilitation delivery programs in the country.

During the 21 year period there have been several Agency Agreements in place to reflect changes to the program. The new revision to the Agency Agreement incorporates recent changes in the R.R.A.P. Program some of which are as follows:

- total household income now includes income from all sources for all persons in the household 15 years of age and over;
- properties must be valued below $175,000.;
- homeowners now cannot be paid for their labour or "sweat equity";
- maximum loan amount $18,000. as opposed to $10,000.;
- maximum forgiveness amount has been increased from $5,000. to $12,000.;
- maximum loan term is now 15 years;
- forgivable loan is earned over a period of one to five years.

LCK/MM/dc

RESIDENTIAL REHABILITATION ASSISTANCE PROGRAM (RRAP) AGENCY AGREEMENT

THIS AGREEMENT made this 1st day of September , 19 95 .

BETWEEN;

CANADA MORTGAGE AND HOUSING CORPORATION
(hereinafter called "CMHC")

OF THE FIRST PART

-AND-

The Corporation of the Municipality of Hamilton

(hereinafter called "the Agent")

OF THE SECOND PART

WHEREAS CMHC may, pursuant to Part VI of the National Housing Act (hereinafter referred to as "the Act") make loans for the repair and improvement of family housing units, rental accommodation or housing accommodation of the rooming house, hostel or dormitory type or for the modification of such units to improve their accessibility for persons with disabilities in such circumstances as may be prescribed by regulation of the Governor-in-Council.

AND WHEREAS CMHC has agreed that the Agent will act as a delivery agent for CMHC in the processing of loans for (delete inapplicable references):

(A) The repair and improvement of family housing units in the manner and to the extent hereinafter set forth (Homeowner RRAP);

(B) The repair and improvement of rental units in the manner and to the extent hereinafter set forth (Rental RRAP);

(C) The repair and improvement of rooming house, hostel or dormitory accommodation in the manner and to the extent hereinafter set forth (Rooming House RRAP);

(D) The repair, improvement or modification of existing family housing units or rooming house, hostel or dormitory accommodation to improve the accessibility of disabled persons in the manner and to the extent hereinafter set forth (RRAP for the Disabled).

AND WHEREAS occupancy and building maintenance standards acceptable to CMHC have been adopted by the province, municipality or authority having jurisdiction, unless excepted therefrom by CMHC.

AND WHEREAS the Agent hereby agrees to deliver the program(s) in accordance with applicable CMHC Program Guidelines which have been provided to the Agent and which are deemed to form part of this agreement.

NOW THEREFORE this Agreement witnesseth that in consideration of the mutual covenants herein contained, the parties hereto undertake and agree as follows:

Appendix "A"

PPU 035 CMHC is subject to the *Privacy Act*. Individuals have a right of access to CMHC controlled information about themselves.
(Disponible en français)

1. TERMS OF AGREEMENT

This Agreement begins the 1st day of September 1995 .

and will terminate the 31st day of December 1995 , at

which time this Agreement will automatically renew from year to year unless terminated in accordance with the provisions of paragraph three (3) of this Agreement.

This Agreement applies to all program loans approved on or after the effective date of this Agreement.

This Agreement is applicable to properties located in area(s) described in Appendix I of this Agreement.

CMHC may, in its sole discretion, and upon written request of the Agent, waive, amend or extend any time frame or condition contained in this Agreement, Appendix, or Program Guidelines hereto. All such waivers, amendments shall be in writing and acknowledged by both Parties.

2. RESPONSIBILITIES OF AGENT

The Agent agrees to process applications for loans, carry out inspection duties and all responsibilities outlined in this Agreement and Program Guidelines hereto on behalf of and as Agent for CMHC and to exercise reasonable care in the performance of its duties.

The Agent shall provide evidence of completion of work as the Agent and CMHC shall be the sole judge of acceptability of such evidence and the decision of CMHC shall be and remain in all ways final.

The Agent agrees to provide services in both official languages in accordance with the Official Languages Act and its Regulations in bilingual regions designated by the Federal Government as per the Treasury Board Circular No. 1982-6, January 29, 1982 being;

(i) the province of New Brunswick;
(ii) parts of the Gaspé, the Eastern Townships, Montreal and parts of Western Quebec;
(iii) Northern and Eastern Ontario;
(iv) Metropolitan Toronto; and
(v) the city of Winnipeg.

The Agent agrees to comply with directions given it from time to time by CMHC with respect to the forms to be used and the policies and procedures to be followed in accordance with sound business practices as carried out by CMHC.

It is expected that the Agent shall provide a high quality of service to all clients and at all times maintain a good rapport with all levels of elected officials.

3. TERMINATION

This Agreement may be terminated by either party by giving three (3) months written notice to the other party, and may be terminated immediately without notice by CMHC in the event of fraud or breach of the Agreement by the Agent.

Upon termination of this Agreement, the Agent shall deliver to CMHC all records, accounts and other documentation relating specifically to program applications by clients maintained by the Agent in relation to the provisions of this Agreement save and except for records required by law to be retained by the Agent. The Agent will upon the written request of CMHC deliver to CMHC true copies of all records which are required by law to be retained by the Agent.

4. TERMS AND CONDITIONS OF LOANS

Loans may be made by CMHC in accordance with the Terms and Conditions specified in the Program Guidelines.

5. AGENCY FEE

The parties mutually agree that, in consideration of the performance by the Agent of the functions and activities set out in Program Guidelines, a fee in an amount and manner outlined in the said Guidelines will be paid by CMHC to the Agent.

6. QUALIFICATIONS AND PERFORMANCE EXPECTATIONS

The Agent shall carry out its responsibilities pursuant to this Agreement in a manner satisfactory to CMHC. Program Guidelines outline the administrative and technical qualifications of the Agent to be used by CMHC in assessing prospective agents. They would equally apply where any of the responsibilities are sub-contracted.

The Agent or staff carrying out the inspections and work write-ups identified in this Agreement or its Program Guidelines shall meet minimum technical qualifications as identified in the said Guidelines. The Agent shall not hire or assign any staff to the inspection function unless such staff meet these qualifications.

The Agent acknowledges that specific performance expectations and authorities as outlined in Program Guidelines, for the functions and activities required under this Agreement, form part of this Agreement.

Changes to the qualifications and performance expectations may be determined from time to time by CMHC.

7. MONITORING

CMHC may conduct monitoring visits at the Agent's Office and conduct on-site visits to properties being assisted under the Program to ensure adherence to the terms and conditions of this Agreement. CMHC shall provide 2 weeks written notice to the agent of its intention to monitor. CMHC will provide written reports of its monitoring visits and the Agent will reply on all the findings of these reports.

8. ASSIGNMENT AND SUB-CONTRACTING

This Agreement may not be assigned or sub-contracted in whole or in part by the Agent without the written consent of CMHC to the assignment being first had and obtained.

9. INDEMNIFICATION

CMHC covenants to indemnify the Agent from all claims for damages arising from this Agreement that are chargeable against the Agent in respect to the application or approval of grants and loans made under or in respect of the Residential Rehabilitation Assistance Program(s), except those arising from fraud or negligence by the Agent or its employees or any other person performing any activity pursuant to this Agreement at the request of the Agent.

The Agent shall indemnify CMHC against all fines, suits, claims, demands and actions if any to which CMHC may become liable by reason of any injury or damage occasional to or suffered by any person or any property because of any wrongful act, neglect or default by the Agent or any of its employees, sub-contractors, or any other person under the control of the Agent.

10. PUBLICITY

The Agent will ensure that any literature or other information and material published by the Agent with respect to this Agreement will be received and approved by CMHC and contain reference to the assistance provided by the Federal and where applicable Provincial Government with respect to this program and, where there is a significant demand, the aforesaid information published by the Agent shall appear in a unilingual format in both the French and English media where available.

11. CONFLICT OF INTEREST

The Agent shall ensure that any real, potential or apparent conflict of interest situations as outlined in CMHC's Conflict of Interest Guidelines, which have been provided to the Agent and which are deemed to form part of this Agreement, are avoided. Notwithstanding, situations that are considered by the agent to be unavoidable shall be disclosed to CMHC, in writing, and CMHC shall have the right to review and accept or reject these situations.

No member of the House of Commons shall be admitted to any share or part of this Agreement or any benefit to arise therefrom.

12. PERSONAL INFORMATION

CMHC being one of the federal institutions to which the Access to Information Act and the Privacy Act apply, it is agreed that any information collected by the Agent in the course of its duties is to be released only in accordance with the provisions of those two Acts and with CMHC's written approval.

13. SECURITY REQUIREMENTS

The Agent shall immediately inform CMHC of any irregularity or potential legal infraction in the delivery or administration of the program, and shall make available for immediate access all information in the possession of the Agent including files, reports, financial statements, vouchers, receipts and all other documentation relating to the delivery or administration of the program. The Agent shall also ensure that its employees or other representatives are available for interaction and dialogue with CMHC and its representatives to facilitate all investigations undertaken in respect of any irregularity or potential legal infraction in the delivery and administration of the program.

14. BOOKS AND RECORDS

The Agent shall maintain accurate books, records and accounts of all disbursements made pursuant to this Agreement, and shall at any time within six years from the final advance make such available to CMHC at a time and location agreed upon by both parties.

15. MISCELLANEOUS

For the purpose of this agreement the singular shall include the plural and the plural the singular as the context may require.

This Agreement shall enure to the benefit of and be binding upon both parties hereto and their successors and assigns.

IN WITNESS WHEREOF this Agreement has been executed by the Parties hereto on the date first above written.

CANADA MORTGAGE AND HOUSING CORPORATION

PER: _____

_____
Witness

PER: _____

AGENT

_____
TITLE

_____
Witness

_____
TITLE

APPENDIX "1"

Attached to and forming part of an agreement between Canada Mortgage and Housing Corporation and the Agent dated the 1st of September , 19 95 .

Areas which are more particularly described as:

Attached Schedule D4.

(b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 8 NOV 13 1995

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
228 Crockett Street (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and twenty-six dollars ($1,926.) be approved for Helen Connor, 228 Crockett Street, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Helen Connor, 228 Crocket Street, in the amount of $1,926. The roof has been repaired, and the Department recommends approval in the amount of $1,926. at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury

(c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 8 NOV 13 1995

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
74 Burlington Street East (95.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand and forty-nine dollars ($1,049.) be approved for Mr. and Mrs. K. Nunes, 74 Burlington Street East, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of $2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans Division, recently finalized an Emergency Loan for Mr. and Mrs. Nunes, 74 Burlington Street East in the amount of $1,049. The roof has been repaired, and the Department recommends approval in the amount of $1,049. at 8% interest and amortized over five (5) years.

LCK/MM/dc
c.c. R. Camani, Treasury

Cd

CITY OF HAMILTON NOV 14 1995

- RECOMMENDATION -

DATE: 1994 November 14

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Len King,P.Eng
Building Commissioner

SUBJECT: Barton Street Revitalization (95.2.14, 95.2.4.2.1.A)

RECOMMENDATION:

1) That the budget as outlined in Schedule A be approved for a Christmas Event to be held 1995 December 9; and,

2) That the City Treasurer be authorized and directed to forward $800. ($1000.- 20% holdback) for the Christmas Event to the Barton Street B.I.A.. The outstanding balance of $200. to be forwarded upon submission of a statement of account.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding of $300,000. has been provided by the Province for the revitalization program. The Province of Ontario will provide a total of $1,000,000. directly to the City of Hamilton over the next three (3) years. Full funding for the street festival has been budgeted and provided from provincial funding.

BACKGROUND:

On 1995 March 28, City Council approved a Barton Street Redevelopment Program for renovation loans and grants, mural projects, street festivals, and street enhancement.

...2

As part of the revitalization program, the B.I.A. proposed that street festivals would be held on Barton Street. This proposal was approved by Council and a yearly budget of $40,000. was provided for street festivals.

The resolution approved by Council states as follows:

> The City will provide up to $40,000. yearly from available provincial funds to the Barton Street B.I.A. if it should decide to hold a street festival.
>
> Co-ordination of the festival will be solely the responsibility of the B.I.A. An appropriate portion of the funds will be made available in advance, final reimbursement of the B.I.A. will be made once a statement of account for the festival is presented.

The B.I.A. has submitted a budget of $1000. (see attached Schedule A) for the Christmas Event to be held 1995 December 9. A holdback of $200. (20%) will be made until a statement of account is submitted to the City Treasurer.

DC/dc
Encl.

"Schedule A"

November 9, 1995

BARTON GENERAL BIA
Community Christmas Party

Santa Claus/Elves	$100
Tree - 10'	$100
Decorations - lights, star	$150
Refreshments - coffee, hot chocolate, apple cider, donuts, cookies	$150
Advertising - flyer drop	$100
Gift Bags - candy canes	$100
Outdoor Extension Cord(s)	$50
Door Prize(s) - gift certificates; $75/$50/$25	$150
Misc.	$100

Total Expenditure $1000

CITY OF HAMILTON

- RECOMMENDATION -

Cei

DATE: 1995 November 9 NOV 1 3 1995

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1334 UPPER SHERMAN AVENUE - Tag Number 95515
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1334 Upper Sherman Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING:	RT-20/S-1188 (Map E-27C)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Single Family Dwelling
BRIEF DESCRIPTION:	Owner wishes to demolish a one-storey, aluminium sided single family dwelling a rebuild a new single family dwelling. No LACAC interest. Lot size 91.860' x 283.00'.

The owner of the property as per the demolition permit is:

Enrico Mancinelli
16 Woodside Drive
Hamilton, Ontario L8T 1C3

ND ND/zr

CITY OF HAMILTON

- RECOMMENDATION -

Ceii

DATE: 1995 November 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1340 - 1342 UPPER SHERMAN AVENUE - Tag Number 95516
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1340 - 1342 Upper Sherman Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING:	R-2 (Map E-27C)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Single Family Dwelling
BRIEF DESCRIPTION:	Owner wishes to demolish a one-storey, aluminium sided single family dwelling a rebuild a new single family dwelling. No LACAC interest. Lot size 73.140' x 100.390'.

The owner of the property as per the demolition permit is:

Enrico Mancinelli
16 Woodside Drive
Hamilton, Ontario L8T 1C3

ND/zr

CITY OF HAMILTON

- RECOMMENDATION -

Ceiii

DATE: 1995 November 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1348 UPPER SHERMAN AVENUE - Tag Number 95514
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1348 Upper Sherman Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING:	R-2 (Map E-27C)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Single Family Dwelling
BRIEF DESCRIPTION:	Owner wishes to demolish a one-storey, insul-brick sided single family dwelling a rebuild a new single family dwelling. No LACAC interest. Lot size 75' x 100.390'.

The owner of the property as per the demolition permit is:

Enrico Mancinelli
16 Woodside Drive
Hamilton, Ontario L8T 1C3

ND/zr

Ce iv)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 3 1995

DATE: 1995 November 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
255 RYMAL ROAD WEST (Building #5) (See attached for specific location)
- Tag Number 95512
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 255 Rymal Road West (Building #5) in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING:	DE/S-1023 (Map W-17E)
PRESENT USE:	Vacant Cottage
PROPOSED USE:	Vacant (Existing St. Elizabeth's Village)
BRIEF DESCRIPTION:	Owner wishes to demolish a one-storey, cladding and block exterior building which has been used for a single family dwelling in the past. The building has been used for storage purposes recently. No LACAC interest. Acres: 2.290 (1,944,083 square feet).

The owner of the property as per the demolition permit is:

(Hamilton, Ontario)
St. Elizabeth Home Society
393 Rymal Road West
Hamilton, Ontario L9B 1V2

ND/zr

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 14
A-95-206 NOV 1 5 1995

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

Mr. J. Palvelka, P.Eng.
Chief Administrative Officer

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal Board Hearing

RECOMMENDATION:

That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing regarding an appeal to the Committee of Adjustment decision to deny Application No. A-95-206, respecting a variance to the "Monster Homes" By-laws, for property located at No. 77 Ward Avenue.

V. Abraham J. Palvelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is estimated that one working day of staff time each will be required for one representative from the Planning Department (approximately $250 per day) and one from the Law Department (ranging from approximately $500 to $1,000 per day), for preparation and attendance at the Ontario Municipal Board hearing. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

BACKGROUND:

Committee of Adjustment application A-95-206 has recently been appealed to the Ontario Municipal Board. At its meeting of September 27, 1995, the Committee accepted Planning staff's recommendation and denied the application. The proposal is to permit enclosure of a garage at No. 77 Ward Avenue for additional living space, notwithstanding that one parking space would be provided in the front yard and there would be no manoeuvring space on-site. In addition, the dwelling would have a gross floor area of 176.51 m^2 (1,900 sq. ft.), whereas Zoning By-laws No. 95-02 and No. 95-33 ("Monster Homes" By-laws), permit a maximum gross floor area of 104.47 m^2 (1,124.55 sq. ft.), representing a floor area ratio of 0.45. A date for the Board hearing has not yet been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

CL-M

E a)

CITY OF HAMILTON

-RECOMMENDATION-

DATE:

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary,
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Building Commissioner - Departmental Quarterly Report as at September 30, 1995 dated 1995 October 23

(b) Director of Planning and Development - Departmental Quarterly Report as at 1995 September 30, dated 1995 October 27

(c) Director of Planning and Development - Approved Site Plan, dated 1995 November 13

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure followed for these matters is recorded.

E b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 17

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Making Cities Livable Conference**

RECOMMENDATION:

That the Planning and Development Committee not send a representative to the Making Cities Livable Conference.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Conference information is attached hereto.

TA/jt

MAKING CITIES LIVABLE CONFERENCES

2 November 1995

Director:
Suzanne H. Crowhurst Lennard

Advisory Board:
Henry L. Lennard, Chair
Robert A. Aldrich (Seattle)
Peter Breitling (Graz)
Derek Drummond (Montreal)
Wolf von Eckardt (Washington, DC)
Ben Farmer (Newcastle)
Andreas Feldtkeller (Tübingen)
Dietrich Garbrecht (Zürich)
Rod Hackney (London)
Mayor Dietmar Hahlweg (Erlangen)
Don Robert Johnson (New York)
Jaques Kaswan (Berkeley)
Gianni Longo (New York)
John Tepper Marlin (New York)
Rolf Monheim (Bayreuth)
Peter Novak (Ulm)
Rosaria Piomelli (New York)
Patrick J. Quinn (Troy)
Mayor Joseph P. Riley, Jr. (Charleston)
Edoardo Salzano (Venedig)

First Mayor Sven von Ungern-Sternberg (Freiburg)
Anselm Strauss (San Francisco)
Edward Sylvester (Washington, DC)
Jane Thompson (Cambridge)
Hartmut Topp (Kaiserslautern)
William H. Whyte (New York)

Program Committee Chairs/ Vorsitzende des Programm-Komitees:

Prof. Dr. Suzanne H. Crowhurst Lennard
IMCL Council
P. O. Box 7586, Carmel, California 93921 USA
Tel. 408-626-9080
Fax 408-624-5126

Erster Bürgermeister Dr. Sven von Ungern-Sternberg
Stadt Freiburg
Technisches Rathaus, Fehrenbachallee 12
D-79106 Freiburg i. Br., Deutschland
Tel. (0761) 201-4000
Fax (0761) 201-4099

Dear Clerk of the Council,

Enclosed, information about the 18th International Making Cities Livable Conference, to be held in Carmel, California March 12-16, 1996.

Would you, please, circulate these among your Council Members. Hundreds of Canadian city officials have participated in past IMCL Conferences. Many have let us know that these Conferences have been of considerable value in their work for their cities.

Enclosed, also, a Call for Papers and Invitation to Exhibit. Perhaps this announcement can be posted in your Council offices.

Please, note that the reverse side of the flyer contains a preliminary conference program and registration form.

Thank you for your assistance.

Sincerely,

Suzanne H Crowhurst Lennard

Suzanne H. Crowhurst Lennard Ph.D.(Arch.)
Director, IMCL Council
Co-Chair, Program Committee

P.S. If two or more Council Members from your city wish to attend, the registration fee can be reduced to $335 per person (if postmarked by December 1.)

MAKING CITIES LIVABLE CONFERENCES

24 October 1995

Director:
Suzanne H. Crowhurst Lennard

Advisory Board:
Henry L. Lennard, Chair
Robert A. Aldrich (Seattle)
Peter Breitling (Graz)
Derek Drummond (Montreal)
Wolf von Eckardt (Washington, DC)
Ben Farmer (Newcastle)
Andreas Feldtkeller (Tübingen)
Dietrich Garbrecht (Zürich)
Rod Hackney (London)
Mayor Dietmar Hahlweg (Erlangen)
Don Robert Johnson (New York)
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John Tepper Marlin (New York)
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Stadt Freiburg
Technisches Rathaus, Fehrenbachallee 12
D-79106 Freiburg i. Br., Deutschland
Tel. (0761) 201-4000
Fax (0761) 201-4099

Dear Colleague,

The 17th European IMCL Conference was held in September in Freiburg, Germany, with more than 380 participants from 20 countries, 135 presentations, and 45 exhibits.

We are pleased to tell you that the IMCL Board has decided to schedule the 18th IMCL Conference for March 12-16, 1996, again in Carmel/Monterey, California.

As is characteristic of the IMCL Conferences, there will be a wide range of perspectives, topics and people. The 18th IMCL Conference will focus on three special themes: "Restructuring Urban and Suburban Sprawl", "Creating Successful Urban People Places", and "Conversion of Military and Industrial Facilities". Outstanding European mayors, architects and planners working on these issues are scheduled to be among the Carmel presenters.

We have again selected the historic landmark Hotel La Playa as the Conference hotel. For those who have attended a conference there before, you know that it is a most beautiful setting. However, since their conference facilities are limited, and accommodate at most 135 participants, it is important that you register early, if you are interested in attending, or presenting a paper. Registration fee is US $385 if sent before December 1.

The Carmel/Monterey Peninsula offers an ideal conference location. Thanks to intense community involvement, Carmel has maintained its identity as a "Village in the Forest", and its naturally traffic tamed streets. Monterey offers historic adobes from its heritage as California's first capitol city, a lively main street and traffic free plaza leading to Fisherman's Wharf, and Steinbeck's Cannery Row. Beach cliff walks abound, and the spectacular coastline of Point Lobos and Big Sur are within easy reach. The weather in March is sunny and warm, with rare showers.

We look forward to seeing you at the 18th IMCL Conference.

Sincerely,

Suzanne H Crowhurst Lennard

Suzanne H. Crowhurst Lennard Ph.D.(Arch.)
Director, IMCL Council

Members of the Program Review Committee include: Derek Drummond, Director, McGill University School of Architecture, Montreal, CANADA; Dietmar Hahlweg, Lord Mayor of Erlangen, GERMANY; Suzanne H. Crowhurst Lennard, Director, IMCL Council, Carmel, CA, USA; Gianni Longo, President, Urban Initiatives, New York, USA; Patrick Quinn, Professor, School of Architecture, RPI, Troy, NY, USA; Edoardo Salzano, Dean, School of Planning, University of Venice, ITALY; Sven von Ungern-Sternberg, First Deputy Mayor, Freiburg, GERMANY.

Preliminary Program

Tuesday, March 12

14.00–17.00 Registration
Carmel Walking Tours
18.00–19.30 Welcoming Reception

Wednesday, March 13

09.00–10.30 The Livable City
11.00–12.00 Creating Successful Urban People Places
12.00–14.00 Conference Luncheon
14.00–17.30 Concurrent Sessions
- Restructuring Urban & Suburban Sprawl
- Conversion of Military & Industrial Facilities

18.00–19.00 Reception
21.00–22.30 Workshops

Thursday, March 14

09.00–12.00 Creating Successful Urban People Places
12.00–14.00 Awards Luncheon
14.00–18.00 Concurrent Sessions
- Restructuring Urban & Suburban Sprawl
- Conversion of Military & Industrial Facilities

20.30–22.00 Workshops

Friday, March 15

09.00–12.00 Concurrent Contributed Paper Sessions
14.00–16.00 Workshops
16.00–20.00 Monterey Walking Tour & Reception

Saturday, March 16

09.00–12.00 Review & Evaluation of Conference Themes. Open Discussion with Moderators of Major Sessions.

Call for Papers: Those wishing to present papers or case studies, or serve as a moderator, should send a 150–200 word abstract or letter for consideration before December 1, 1995 to fax # 408–624–5126.

Call for Exhibits: Proposals for exhibits on the design of new urban public places in city centers, on the periphery, or in the suburbs are invited. Send a 200 word description before December 1, 1995 to fax # 408–624–5126.

Sponsoring Organizations: IMCL Council, Carmel, USA; Humboldt Center, Ulm, GERMANY; POLIS, Venice, ITALY; Urban Initiatives, New York, USA.

Hotel Accommodations: Favorable rates are available for conference participants at the La Playa Hotel. Call 1–800–582–8900 or 408–624–6476, mentioning the conference.

Social Program: Registration fee includes: Opening Reception; Special Awards Luncheon; Reception by local officials; Walking tours of Carmel and Monterey.

Registration: Registration fee is US $385 if postmarked before December 1; US $440 before January 15; and US $480 thereafter.

Full refund less $50 processing fee if cancellation in writing postmarked before January 15, 1996.

REGISTRATION FORM
18th IMCL Conference
March 12–16, 1996, Carmel/Monterey

Payment must be by money order or check in US dollars, payable on a US bank. Please make check payable to: MAKING CITIES LIVABLE CONFERENCE.

Number of participants _____
Total enclosed US $ _____

Name _____

Title _____

Address _____

_____

Phone _____ *Fax* _____

Send this form and check to:
IMCL Conference, P.O. Box 7586, Carmel, California 93921, USA

Please Post

CALL FOR PAPERS ✦ INVITATION TO EXHIBIT

18th International Conference on

Making Cities Livable

with a special focus on

"Restructuring Urban and Suburban Sprawl"
"Creating Successful Urban People Places"

and

"Conversion of Military and Industrial Facilities"

La Playa Hotel, Carmel, California
March 12–16, 1996



Papers:

Papers are invited on the three special conference themes, or on the following topics:

✦ Street vitality and urban design ✦ Mixed use urban fabric ✦ Restructuring the suburbs ✦ Creating identity ✦ Virtual reality or concrete city ✦ Planning policies and children ✦ Teaching models ✦ Urban space design and the public realm ✦ Community participation models ✦ The role of public art ✦ Transportation policies and city livability ✦ City case studies

Exhibits:

Exhibits are invited on the three special themes of the conference. Exhibits may consist of text, proposed plans, drawings, or photographs of recent projects. Outstanding submissions will be recognized.

The Program Review Committee includes:
Derek Drummond, Director, McGill University School of Architecture, Montreal, CANADA; Dietmar Hahlweg, Lord Mayor of Erlangen, GERMANY; Suzanne H. Crowhurst Lennard, Director, IMCL Council, Carmel, CA, USA; Gianni Longo, President, Urban Initiatives, New York, USA; Patrick Quinn, Professor, School of Architecture, RPI, Troy, NY, USA; Edoardo Salzano, Dean, School of Planning, University of Venice, ITALY; Sven von Ungern-Sternberg, First Deputy Mayor, Freiburg, GERMANY.

More than 2000 architects, planners, public officials and community leaders from North America, Europe and the Far East have participated in previous IMCL Conferences, that have been held in Charleston and San Francisco, United States, Venice and Siena Italy, and Freiburg im Breisgau, Germany.

Sponsoring Organizations: IMCL Council, Carmel, USA; Humboldt Center, Ulm, GERMANY; POLIS, Venice, ITALY; Urban Initiatives, New York, USA.

Those wishing to present papers or case studies, or serve as a moderator should send a 150-200 word abstract or letter for consideration before **December 1** to the following address:

Those wishing to exhibit projects should submit a 200-300 word description before **December 1** to:

Suzanne H. Crowhurst Lennard Ph.D. (Arch.)
IMCL Conference
P.O. Box 7586
Carmel, California 93921 USA
Tel: 408-626-9080 Fax: 408-624-5126

URBAN/MUNICIPAL
CA4 ON HBL AOS
C51P4
1995

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL
DEC 5 1995
GOVERNMENT DOCUMENTS

Wednesday, 1995 December 6th
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Draft Plan of Subdivision SAC-95-11 from Vedemo Construction Ltd., owner for lands located west of Donn Road and south of Highridge Avenue in the Riverdale East Neighbourhood.

   a) Submission: Scott Konkle, Hamilton Region Conservation Authority, Ancaster

2. Sign Posting Requirements for Subdivision Applications

3. **ALDERMAN T. JACKSON**

   Zoning Bylaw - Central Air Conditioners

4. **COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING**

Zoning Application 95-25, by Edward Richter, owner, for a change in zoning from "AA" District and "C" District, to "HH" District for lands located at 1270 Upper James Street (previously tabled).

5. **BUILDING COMMISSIONER AND COMMISSIONER OF PUBLIC WORKS & TRAFFIC**

Revisions/Clarifications to the Commercial Loan Program's Eligibility Criteria and related Amendments to Community Improvement Plans

6. **DIRECTOR OF PUBLIC WORKS AND TRAFFIC**

Westdale Village Business Improvement Area Request
- Commercial Improvement Program

7. **CORRESPONDENCE**

William Hunter, Regional Director of Environmental Health
$40.00 Fee for Rezoning, Minor Variance and Committee of Adjustment Applications

8. **CONSENT AGENDA**

9. **OTHER BUSINESS**

10. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
3.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
4.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
5.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
6.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculatized if application is modified
7.	Rainwater Leader Bylaw	1995 July 5	Roads and Bulding Departments	Report Forthcoming
8.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
9.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23		Tabled at the request of the applicant

1995 November 30

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 30
(SAC-95-11)
Riverdale East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision "Bow Valley Estates"
(File No. SAC-95-11/Regional File 25T-95020)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 95-11 (Regional File No. 25T-95020), Vedemo Construction Ltd., owner, to establish a draft plan of subdivision "Bow Valley Estates", on lands located west of Donn Avenue and south of Highridge Avenue in the Riverdale East Neighbourhood, as shown on the attached map marked as APPENDIX "A" subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Ashenhurst Nouwens Limited and certified by John P. Nouwens, O.L.S., dated August 31, 1995, showing 36 lots for street townhouses, a block for a public walkway and one street identified as Street "A", as shown on the attached map marked as APPENDIX "B".

(ii) That the Owner establish Street "A" to its full 18.0 m width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision. All works must be completed to the satisfaction of the Senior Director, Roads Department.

(iii) That all costs associated with intersection reconstruction of Bow Valley Drive and Highridge Avenue and the reconstruction work required on Bow Valley Drive,

(iv) That the Owner receive all the necessary approvals required under the Municipal Act to alter Bow Valley Drive, north of Highridge Avenue and the intersection of Highridge Avenue and Bow Valley Drive prior to the development of any portion of these lands. All works must be completed to the satisfaction of the Senior Director, Roads Department.

(v) That the Owner dedicate Block "1" to the City of Hamilton in order to establish a 3.0 metre walkway to be connected to Donn Avenue.

(vi) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(vii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measures after each rainfall to the satisfaction of the Senior Director, Roads Department;

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.

(viii) That the owner provide a 1.8 m high chain link fence to be located at the defined top of bank and that the fence be established prior to the development of the subject lands.

(ix) That the Owner, convey Blocks 2, 3, 4, 5, 6 and 7 to the City of Hamilton.

(x) That Street "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(xi) That the Owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan.

(xii) That the final plan conform with the Zoning By-law approved under the Planning Act.

(xiii) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

(xiv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(xv) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(xvi) That the Owner enter into a subdivision agreement with the City of Hamilton, in order to satisfy all requirements, financial, engineering and otherwise, prior to the development of any portion of these lands.

(xvii) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95020), Vedemo Construction Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

(d) That the approved Riverdale East Neighbourhood Plan be amended to add the public highway shown as Street "A" and the walkway shown as Block "1" on the draft plan of subdivision upon Draft Plan Approval of the Plan of Subdivision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Vedemo Construction Ltd., owner.

Agent:

John Parente.

Surveyor:

John P. Nouwens, O.L.S., Ashenhurst Nouwens Limited.

Location:

The lands are located west of Donn Avenue, south of Highridge Avenue in the Riverdale East Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The subject property is an irregular shaped parcel of land and has:

- a width of 40.710 m along Highridge Avenue;
- a depth of approximately 160 m; and,
- an area of 1.163 ha.

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"RT-20" (Townhouse - Maisonette) District, modified
Surrounding Land Use		
to the north	Single Detached Dwellings and open space	"C" (Urban Protected Residential, etc.) District, modified, "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District and "A" (Agricultural) District

to the south	Located in the City of Stoney Creek - Apartment building and vacant lands	"RM5" Multiple Family-Five Zone and "GC" General Commercial Zone
to the east	Single Detached Dwellings and vacant land	"R-2" (Urban Protected Residential - One and Two Family Dwellings, etc.) District) District and "G" (Neighbourhood Shopping Centre, etc.) District
to the west	Park and Recreational	"A" (Agricultural) District

Subdivision Proposal:

The owner has applied to subdivide the subject lands into 36 lots for street townhouses and to construct a public highway (Street "A") (see attached APPENDIX "B").

Zoning Applications 74-08 and 91-18

There have been two zoning applications for the subject lands. Zoning Application 74-08 was for a change in zoning from "AA" District to "RT-20" District. The application was approved and the implementing By-law (By-law No. 76-161) was passed by Council on May 25, 1976.

In 1991, an application was made for a change in zoning to add two blocks of land to the lands previously rezoned to "RT-20" District in 1976 and to require a minimum setback of 7.5 m for any building or structure except a fence, from the "top of bank" along the westerly limits of the subject lands. In addition, an Official Plan Amendment was necessary to change the designation of the two blocks of land from "Open Space" to "Residential". Zoning Application 91-18 was approved by Council on April 28, 1992 and Official Plan Amendment No. 110 and Zoning By-law No. 92-286 were subsequently passed.

Site Plan Control Application 92-62

In 1994, Site Plan Control Application 92-62 was approved. The application was for a 45 unit, two storey, condominium townhouse development. Approval of the proposed draft plan of subdivision will necessitate a new site plan for the development of the proposed street townhouse blocks (see attached APPENDIX "C").

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

City of Hamilton Official Plan:

The subject lands are designated "Residential". The proposed draft plan of subdivision complies with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Attached Housing" on the approved Riverdale East Neighbourhood Plan. Approval of the application would necessitate an amendment to the neighbourhood plan to add the proposed road and public walkway.

Zoning:

The subject lands are zoned "RT-20" (Townhouse - Maisonette) District. The proposal complies with the intent of the Zoning By-law.

COMMENTS FROM CIRCULATION:

- The Hamilton Region Conservation Authority advised:

  "The subject property is located on the north side of Highway #8, west of Grays Road in the City of Hamilton. The ravine associated with Stoney Creek is located immediately adjacent to the property on the west side. The applicant proposes to develop 36 units of freehold townhouses on the 1.163 ha site. In this regard, adequate erosion and sediment control measures must be implemented and maintained throughout the development process. Removal of vegetation and construction process may result in increase erosion on the property and downstream sedimentation.

  Plan Review Guidelines established by the Hamilton Region Conservation Authority for Ravines and Riverine Systems states that a minimum of 7.62 metres (25 ft) building setback must be established and maintained from the identified top of bank with no disturbances of grades or vegetation below the top of bank. In order to permanently identify the top of bank, Authority staff recommend that a 1.8 metre high continuous chain link fence be established on the top of bank. The fence must be established prior to development. This would indicate the development boundary as well as function as a limit of work fence.

  Authority staff recommend that the identified top of bank marked by the 1.8 metre high chain link fence represent the units rear property line. This would prevent unrestricted access and dumping in the ravine. The remaining porions below the top of bank should be conveyed to a public agency, ideally the City of Hamilton. This recommendation is made to protect the integrity of the ravine and its associated natural area.

  Based on the above, staff of the Hamilton Region Conservation Authority do not have any objection to the approval of this application, subject to the following conditions:

1. That the applicant prepare and implement an Erosion and Sediment Control Plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and;

    a) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

    b) That all erosion and sediment control measures be inspected after each rainfall to the satisfaction of the City Engineer;

    c) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;

    d) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.

2. That a 1.8 metre high chain link fence be located at the defined top of bank. This fence should be established prior to development of the subject lands. This will also act as a limit of work fence.

3. That the applicant comply with the minimum requirement of the 7.62 metre (25ft) building setback from the defined top of bank.

4. That the defined top of bank outlined by the 1.8 metre high chain link fence represent the units rear property line. The remaining portions below the top of bank should be conveyed to a public agency, ideally the City of Hamilton."

- The Roads Department has submitted the following comments and recommendations:

"For Information:

1. A watermain is available of sufficient size and capacity to service this development directly.

2. This development can be serviced directly from the existing storm and sanitary sewers on Highridge Avenue.

3. Canada Post have not advised our office of their requirements as of the date of this memo.

4. The H.S.R. had advised that they find the draft plan acceptable. However, upon further review of this plan, they have now recommended that provision be made for a future walkway between the area of Lot 25 and 26 to allow access to Donn

Avenue. Without this walkway connection, the walking distance from this plan to the existing bus stops at Queenston Road and Donn Avenue would be 450 metres, which exceeds Transit guidelines.

The approved Neighbourhood plan for the Riverdale East Neighbourhood does not propose a pedestrian walkway in this area. Perhaps a pedestrian pathway from the south limit of this proposed plan to Queenston road may be a suitable alternative. The request that a pedestrian walkway be established from the south east limit Cul-de-sac to Donn Avenue will be discussed further in the future with City Planning and the H.S.R.

5. Our survey section have informed our section that they have no comment regarding this draft plan of subdivision.

6. Our Transportation section have advised that reconstruction of the intersection of Bow Valley Drive and Highridge Avenue will be required in order to accommodate Street "A". All reconstruction costs are to be 100% developers cost.

Recommendations:

1. The owner must enter into a subdivision agreement with the Regional Municipality of Hamilton-Wentworth in order to satisfy all financial and engineering requirements, prior to the development of any portion of these lands.

2. The owner must enter into a subdivision agreement with the City of Hamilton, in order to satisfy all financial and engineering requirements, prior to the development of any portion of these lands.

3. That all costs associated with intersection reconstruction of Bow Valley Drive and Highridge Avenue and the reconstruction work required on Bow Valley Drive, north of Highridge Avenue, be the responsibility of the applicant/owner.

4. That the applicant/owner receive all the necessary approvals required under the Municipal Act to alter Bow Valley Drive, north of Highridge Avenue and the intersection of Highridge Avenue and Bow Valley Drive. All works must be completed to the satisfaction of the Roads Department.

5. That the owner dedicate sufficient lands to the City in order to establish a 3.0 metre walkway to be connected to Donn Avenue."

- The Department of Public Transit advised that:

"... the HSR very strongly urges the Roads Department to withhold plan approval unless a walkway between the area of Lot 25 and Lot 26 is included.

Please note that the width of the walkway should be no less that 1.5 m. The exact location of the walkway is flexible. To ensure the safety of users, a light standard is requested.

It is felt that a walkway will not only benefit HSR customers of Routes 1, 10 & 55 but all future residents of this medium density development. Walkways serve as a vital means of access and generally improve the pedestrian environment. They are also a simple way through which the goals of Vision 2020 can be achieved.

The lack of a walkway may make the use of public transit unattractive, leading to a higher level of private vehicle usage and limiting HSR's ability to increase the level of transit usage."

- The Traffic Division advised that:

"The applicant should be advised that only minimal on-street parking will be available. Efforts should be made to provide adequate off-street parking for each townhouse unit."

- The Building Department advised that:

"1. The proposed use is considered to be "street townhouses", which are subject to the RT-30 District provisions.

2. The proposed development is subject to Site Plan Control approval by the Planning and Development Committee."

It is noted that prior to final approval the owner will have to provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

- The City of Stoney Creek advised that:

"... the City of Stoney Creek has no objection to the approval of the draft plan of subdivision known as "Bow Valley Estates"."

COMMENTS:

1. The proposal complies with the intent of the Official Plan of the City of Hamilton.

2. The proposal complies with the land use designations of the approved Riverdale East Neighbourhood Plan. However, a neighbourhood plan amendment is necessary since the proposal establishes a new local road. In addition, the HSR has requested that the plan be revised to incorportate a pedestrian walkway connecting the proposed local street with Donn Avenue.

3. The application has merit and can be supported on the following basis:

   - it complies with the intent of the Official Plan;
   - the proposed plan of subdivision implements the approved neighbourhood plan; and,
   - it is compatible with existing and proposed development in the area.

4. The applicant has previously applied for and received approval for the development of a 45 unit condominium townhouse development. The proposal is for 36 street townhouses. As such, the proposal is a 20% reduction in the number of units.

5. The subject lands are located immediately adjacent to the Stoney Creek ravine. An environmental impact statement was not required because the application for subdivision was made due to a change in the nature of the ownership of the proposed development (ie from condominium to street townhouses). Notwithstanding this, the following special provisions should be required to minimize any potential adverse affects on the riverine system:

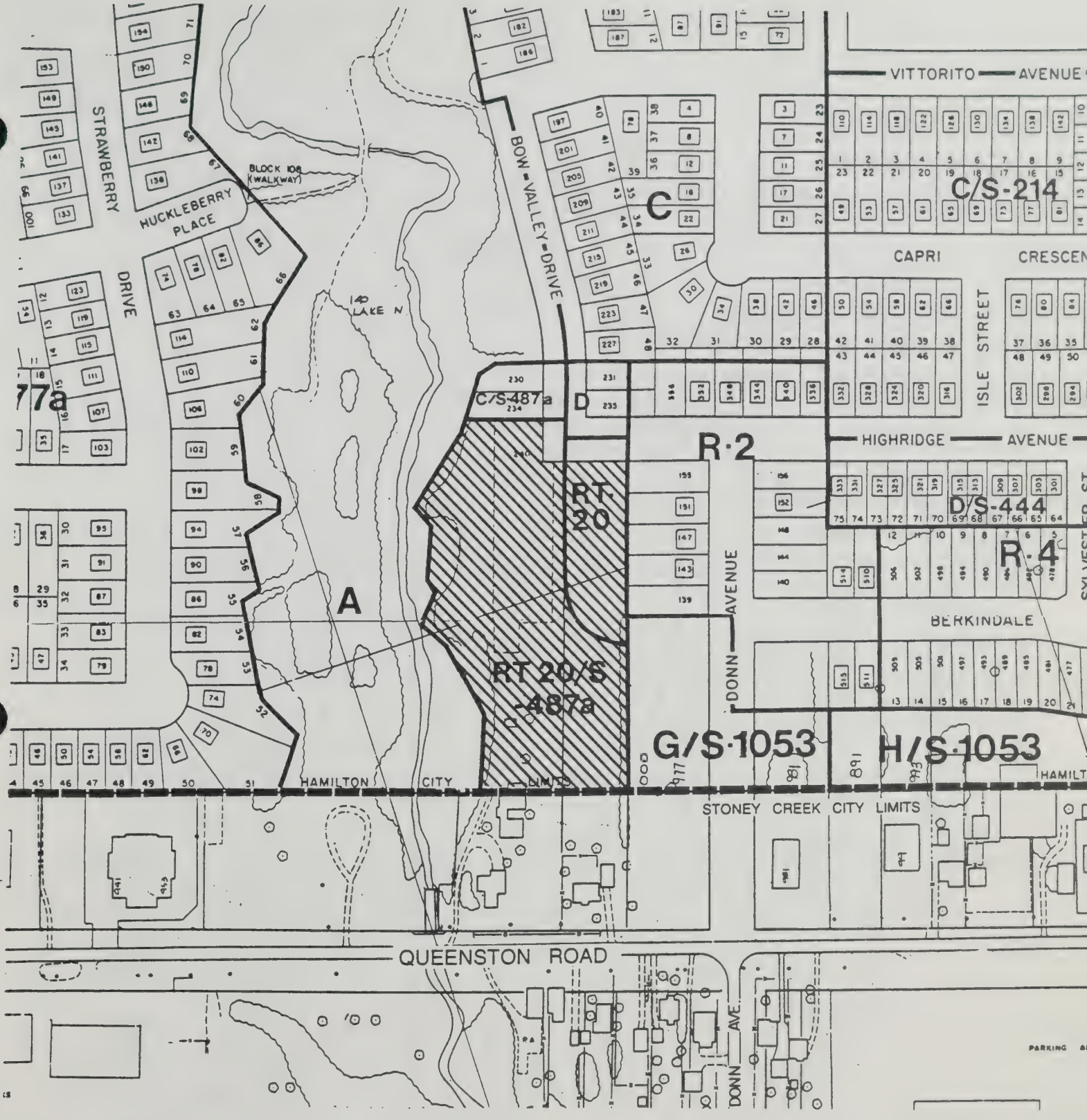
   - that the applicant prepare and implement an Erosion and Sediment Control Plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority;
   - that a 1.8 metre high chain link fence be located at the defined top of bank. This fence should be established prior to development of the subject lands. This will also act as a limit of work fence; and,
   - that the defined top of bank outlined by the 1.8 metre high chain link fence represent the units rear property line. As such, the applicant should be required to dedicate Blocks 2 - 7, inclusive, to the City of Hamilton to prevent unrestricted access and dumping in the ravine. It is noted that the riverine lands are owned by the City of Hamilton.

   In addition, the Zoning By-law for the subject lands (By-law No. 92-286) requires that all buildings and structures, except a fence, be setback a minimum of 7.5 m (± 25 ft) from the defined top of bank.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

SR/sr
SUB95-11.RPT

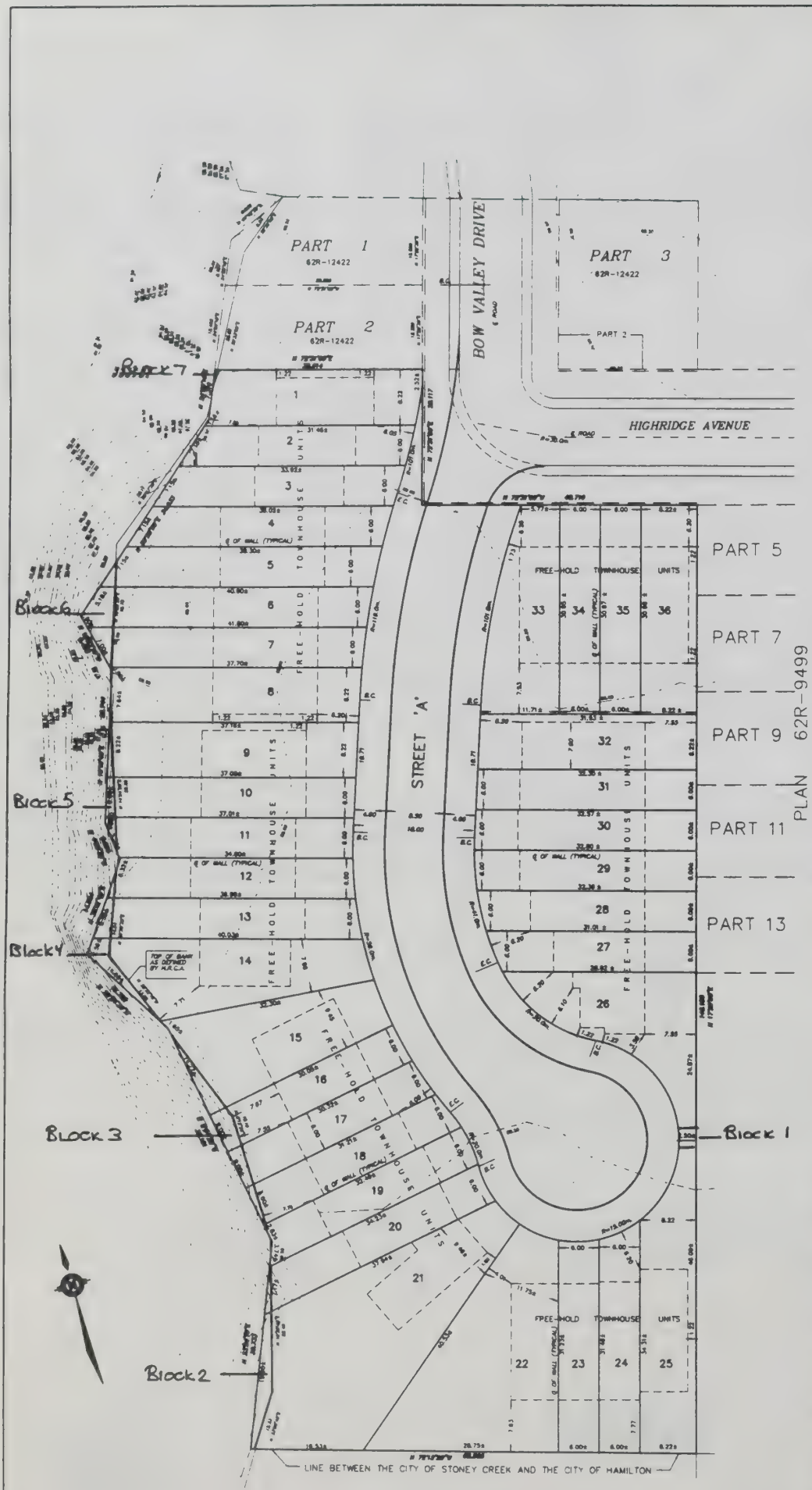


Legend

Site of the Application

SAC-95-11

APPENDIX "A"





KEY PLAN
SCALE 1 : 4000

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

OWNER'S CERTIFICATE

I AM ACCORDANCE WITH THE CONDOMINIUM ACT AND THE PLANNING ACT, I HEREBY AUTHORIZE ASHENHURST NOUWENS LIMITED TO SUBMIT THIS PLAN FOR APPROVAL.

OWNER : BOW VALLEY INC.

Aug 31/95
DATE

DOMINICK MOLINARO
PRESIDENT
I HAVE THE AUTHORITY TO BIND THE COMPANY

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY SHOWN.

Aug 31/95
DATE

JOHN P. NOUWENS
ONTARIO LAND SURVEYOR

SCHEDULE

A	SHOWN	G	SHOWN
B	SHOWN	H	MUNICIPAL WATER
C	SHOWN	I	CLAY
D	FREE-HOLD TOWNHOUSES	J	SHOWN
E	SHOWN	K	ALL SERVICES TO BE AVAILABLE
F	SHOWN	L	SHOWN

DRAFT PLAN OF

BOW VALLEY ESTATES

BEING A PROPOSED SUBDIVISION OF

PART OF LOT 24, CONCESSION 2

IN THE GEOGRAPHIC TOWNSHIP OF SALTFLEET

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1 : 300 m

JOHN P. NOUWENS ONTARIO LAND SURVEYOR

1995

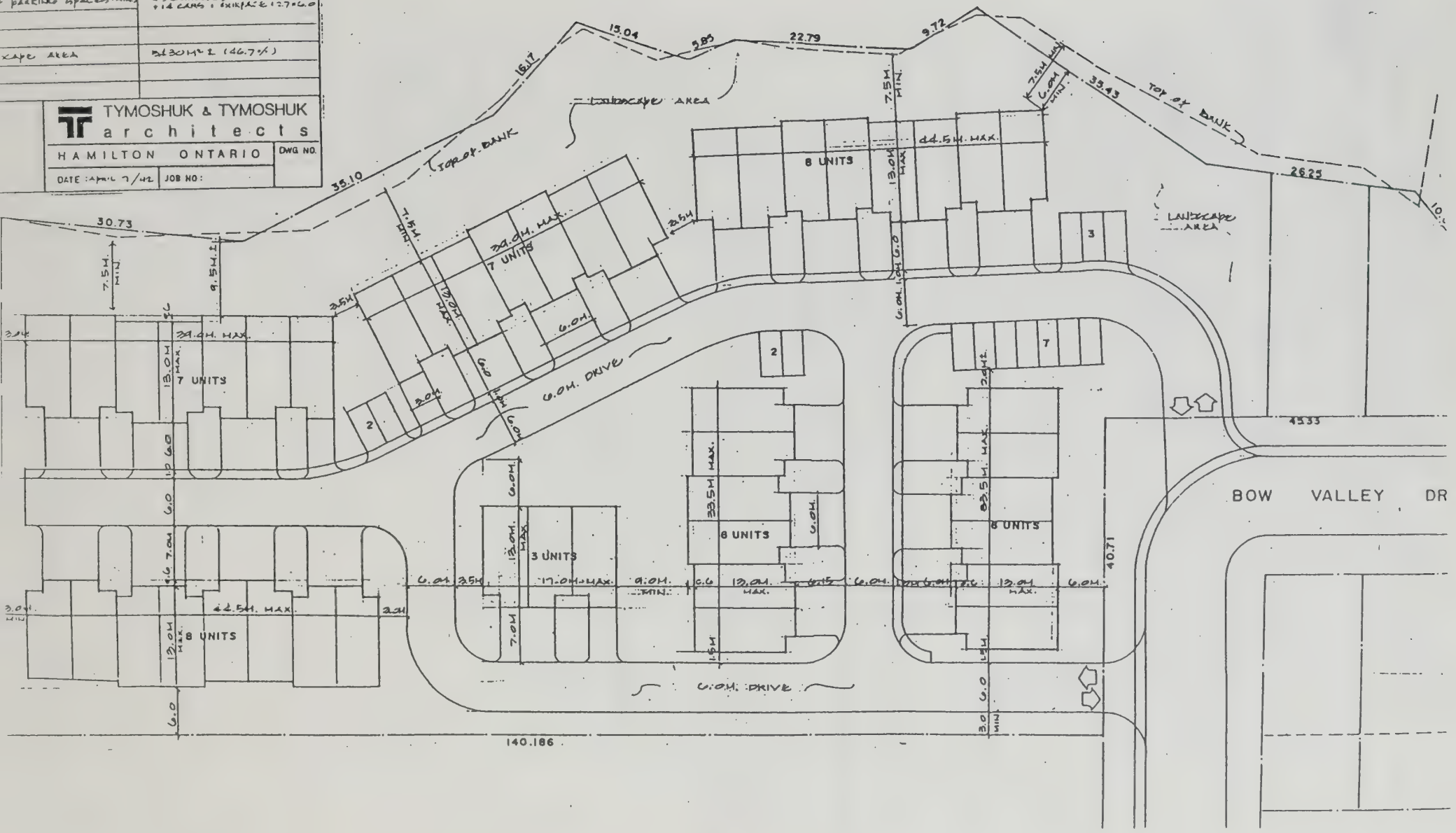
ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors
201-315 YORK BLVD
HAMILTON, ONTARIO L8R 3K5
(905) 529-6318 / 529-4314
FAX (905) 529-6451
GRONARDEN VILLAGE SQUARE PLAZA
155 MAIN STREET EAST, SUITE 203
GRIMSBY, ONTARIO L3M 1P2
(905) 945-4989 FAX (905) 945-6302

DWG. No. 95088A	SHEET No.
SCALE 1 : 300	
DATE AUGUST 31, 1995	

APPENDIX "B"

	20
OF LAND	11.61 ± 5.53 HA ±
DWELLING UNITS	45 UNITS
G HEIGHT	2 STOREY
PARKING SPACES/UNIT	45 GARAGES + 14 CARS = 6 UNITS/ACRE 12.7 < 60
SCAPE AREA	3230 M² ± (46.7%)

TYMOSHUK & TYMOSHUK
architects
HAMILTON ONTARIO | DWG NO.
DATE: APRIL 7/82 | JOB NO:



ADDENDUM

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1995 Nov 29.

#10

Hamilton Region Conservation Authority

November 22, 1995 NOV 28 1995

Secretary
Planning and Development Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir/Madam:

RE: Approval of a Plan of Subdivision and Public Meeting
Vedemo Construction Ltd.
for lands located west of Donn Road and south of Highridge Avenue
City of Hamilton - File Number: SAC-95-11

Staff of the Hamilton Region Conservation Authority have reviewed the above noted proposal and have no objection to its approval. Authority staff have provided comments regarding this proposal in the past and note that the same comments still apply (see attached).

Should you have any questions regarding this matter, please contact Ms. Lucilla De Stefano, Planning Technician at this office.

Yours truly,

B. Scott Konkle, O.A.L.A.
Director of Planning and Engineering.

D /ld

attach.

P.O. Box 7099, 838 Mineral Springs Road, Ancaster, Ontario L9G 3L3 • (905) 525-2181 or 648-4427 • Office Fax 648-4622 • Shop Fax 525-2214

Hamilton Region Conservation Authority

October 2, 1995

Guy Paparella, M.C.I.P.
Division Head - Plans Administration
Region of Hamilton-Wentworth
P.O. Box 910
Hamilton, Ontario
L8N 3V9

Dear Sir:

RE: File Number: 25T-95020
Subdivision Name: "Bow Valley Estates"
Location: Part Lot 24, Conc. 2 - City of Hamilton

Staff of the Hamilton Region Conservation Authority have reviewed the above noted subdivision and offer the following comments for your consideration.

The subject property is located on the north side of Highway #8, west of Grays Road in the City of Hamilton. The ravine associated with Stoney Creek is located immediately adjacent to the property on the west side. The applicant proposes to develop 36 units of freehold townhouses on the 1.163 ha site. In this regard, adequate erosion and sediment control measures must be implemented and maintained throughout the development process. Removal of vegetation and the construction process may result increase erosion on the property and downstream sedimentation.

Plan Review Guidelines established by the Hamilton Region Conservation Authority for Ravines and Riverine Systems states that a minimum of 7.62 metres (25ft) building setback must be established and maintained from the identified top of bank with no disturbance of grades or vegetation below the top of bank. In order to permanently identify the top of bank, Authority staff recommend that a 1.8 metre high continuous chain link fence be established on the top of bank. The fence must be established prior to development. This would indicate the development boundary as well as function as a limit of work fence.

Authority staff recommend that the identified top of bank marked by the 1.8 metre high chain link fence represent the units rear property line. This would prevent

..../2

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unrestricted access and dumping in the ravine. The remaining portions below the top of bank should be conveyed to a public agency, ideally the City of Hamilton. This recommendation is made to protect the integrity of the ravine and its associated natural area.

Based on the above, Conservation Authority staff have no objection to the approval of the above noted subdivision application subject to the following conditions:

1. That the applicant prepare and implement an Erosion and Sediment Control Plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and;

    a) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

    b) That all erosion and sediment control measures be inspected after each rainfall to the satisfaction of the City Engineer;

    c) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;

    d) That all disturbed areas be revegetated with permanent cover immediately following completion of construction;

2. That a 1.8 metre high chain link fence be located at the defined top of bank. This fence should be established prior to development of the subject lands. This will also act as a limit of work fence.

3. That the applicant comply with the minimum requirement of the 7.62 metre (25ft) building setback from the defined top of bank.

4. That the defined top of bank outlined by the 1.8 metre high chain link fence represent the units rear property line. The remaining portions below the top of bank should be conveyed to a public agency, ideally the City of Hamilton.

..../3

Should you have any questions regarding this matter, please contact Ms. Lucilla De Stefano, Planning Technician at this office.

Yours truly,

B. Scott Konkle, O.A.L.A.
Director of Planning and Engineering.

/ld

cc: Paul Mallard - City of Hamilton Planning Department

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 28
CI-86-L

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Sign Posting Requirements for Subdivision Applications

RECOMMENDATION:

(a) That approval be given to City Initiative 86-L, for a general text amendment to Zoning By-law No. 6593 to amend the definition of "sign, public notice" to include applications for draft plan of subdivision and applications for consent (severance) on the following basis:

(i) That Subsection 2(2)H(viea) of Zoning By-law No. 6593 be amended by deleting the existing definition of "sign, public notice" and replacing it with the following:

"**sign, public notice**" shall mean a sign containing content advertising that an application for an official plan amendment and/or an application for an amendment to Zoning By-law No. 6593 and/or an application for the approval of a plan of subdivision and/or an application for consent has been made, and that the application is, or applications are, being considered by the City of Hamilton."

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council;

(c) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(d) That Council amend its existing policy regarding sign posting requirements for development applications to require that applicants post a sign advising that an application for approval of a draft plan of subdivision or an application for consent has been made. The sign posting requirements for a subdivision application can be combined with the sign for an official plan amendment and/or rezoning application.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- City Initiative 86-L (Zoning By-law No. 87-79)

  In 1987 City Council passed Zoning By-law 87-79 to permit the erection of "Public Notice" signs on properties for which an official plan amendment or rezoning application had been made. The aforementioned by-law was the result of City Initiative 86-L to resolve the problem in developing areas where new owners had not been registered on the most recent assessment list and as such would not be circulated a notice of the public meeting. As such, Planning Department staff recommended that Council establish a sign posting policy whereby a public notice sign would have to be posted prior to the public meeting being scheduled. This process has worked effectively in advising surrounding residents and property owners that a development application has been made.

- Public Notification Requirements for Subdivision Applications

  For subdivision applications made prior to March 28, 1995, there is no requirement for a public meeting. Notwithstanding this, it is the usual practise for the Committee to consider the proposed plan of subdivision simultaneously with the rezoning, and if necessary, official plan amendment (OPA) application. All property owners and tenants within 120 metres of a proposed rezoning or official plan amendment are notified of the public meeting. However, in those situations where an application for a rezoning and OPA is not required or has not been made, then the surrounding owners and tenants may not be aware of the proposed subdivision application.

The Planning Act, now requires that a public meeting be held for all plans of subdivision before making a decision on the proposed plan of subdivision. City Council has agreed to give notice and hold the formal public meeting with respect to Draft Plans of Subdivision on behalf of the Region given that the City of Hamilton presently holds a public meeting prior to Councils's decision on a rezoning application. In those cases where there is a proposed subdivision and rezoning, the two public meetings are combined in order that the details of the rezoning and subdivision can be presented to the public at the same meeting and Council can consider all aspects of the proposed development concurrently.

It is noted that the Province, under Bill 20, is proposing to remove the statutory requirement for public meetings for plans of subdivision. Rather, it will be left to the discretion of local municipal councils to decide if a public meeting should be held. Notwithstanding this, it would be appropriate to require applicants to post a public notice sign to inform surrounding residents of the proposed plan of subdivision.

- Planning and Development Committee, October 31, 1995

  Planning and Development Committee, at its meeting of October 31, 1995, authorized Planning staff to hold a Public Meeting regarding sign posting requirements for subdivisions and that appropriate public notice be given. Notice of the public meeting was published in the Spectator on November 17, 1995.

COMMENTS:

1. The proposal complies with the City of Hamilton Official Plan.

2. The posting of signs on properties subject to a subdivision application is appropriate in that it would serve as an additional mechanism to advise residents when a development proposal is being considered by the City.

3. Applicants are presently required to post a sign for official plan amendment and rezoning applications. As such, the standard sign wording can be modified to include the appropriate additional information regarding the proposed plan of subdivision (eg number of lots and blocks).

4. Approval of this initiative would necessitate a revision to Council policy regarding sign posting. Specifically, Council should amend its existing policy regarding sign posting requirements for development applications to require that applicants post a sign advising that an application for approval of a draft plan of subdivision has been made. The sign posting requirements for a subdivision application can be combined with the sign for an official plan amendment and/or rezoning application.

In addition, given Council's recent decision regarding delegation of authority for "consents", it would be appropriate to include consents in Council's policy on sign posting. Applicants are required by the Regional Land Division Committee to post a standard 21 x 28 cm (8½" x 11") sign on their property when a consent application has been made. This requirement should continue if consent authority is delegated to the City.

5. The definition of "sign, public notice" in Zoning By-law No. 6593 should be revised to read as:

> "**sign, public notice**" shall mean a sign containing content advertising that an application for an official plan amendment and/or an application for an amendment to Zoning By-law No. 6593 and/or an application for the approval of a plan of subdivision and/or an application for consent has been made, and that the application is, or applications are, being considered by the City of Hamilton."

6. This report has been prepared in consultation with the Building Department and the Law Department.

RECOMMENDATION:

On the basis of the foregoing, City Initiative 86-L can be supported.

SR/sr
CI86-L.mtg

P+D Mtg 1995 NOV 22 - Tabled.

3

CITY COUNCIL
HAMILTON, CANADA

Alderman Tom Jackson

71 MAIN STREET WEST L8N 3T4 • (905) 546-2730 • (905) 546-2707 • RES. (905) 383-3470 - WARD 6

7 November 1995.

Mrs. Tina Agnello, Secretary,
Planning & Development Committee,
City Clerk's Department.

NOV - 9 1995

Dear Mrs. Agnello:

Re: Zoning By-Law - Central Air Conditioners

I have received a number of complaints both from individual constituents and the industry with respect to Zoning By-law restrictions related to location of central air conditioning condenser units.

The consensus being, that the present requirements are too restrictive. I have also received similar comments with respect to requirements for set backs for swimming pool pumps, filters and heaters.

I would, therefore, request that the Planning and Development Committee direct staff from both the Planning Department and the Building Department to review the appropriate sections of the Zoning By-Law with a view to relaxation of the present restrictions.

Yours truly,

Tom Jackson

Tom Jackson,
Alderman, Ward 6.

TJ/njb

c.c. Alderman Bob Charters, Ward 6.
Alderman Don Drury, Chairman, Planning & Development Committee.
Mr. Les Mady, 9 Rideau Crescent, Hamilton. L8T 2T1.

Copy to L. King + V Abraham 1995 NOV 15 TT.

P+D Cttee 1995 NOV 22 - Tabled

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 14
ZAC-95-25
Kernighan Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a Change in Zoning
1270 Upper James Street

RECOMMENDATION:

(a) That approval be given to Amended Zoning Application ZAC-95-25, Edward Richter, owner, requesting a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for Blocks "1" and "2", and to modify the established "HH" (Restricted Community Shopping and Commercial) District for Block "3", to permit automobile-related commercial uses, for property located 1270 Upper James Street, as shown on the attached map marked as APPENDIX "A" on the following basis:

(i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;

(iii) That the "HH" (Restricted Community Commercial and Shopping, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(1) That notwithstanding Section 14(A)(1) of Zoning By-law No. 6593, auto body and fender repair in conjunction with automobile sales and/or rental shall be permitted;

(2) That notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the westerly limits of the "HH" District where they abut the residential district to the west;

(3) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly limits of the "HH" District where they abut the residential district to the west;

(4) That a minimum 6.0 m wide planting strip shall be provided and maintained along the easterly boundary of Block "3", except for any area used for driveway access; and,

(5) That a minimum 3.0 m wide planting strip shall be provided and maintained along the northerly boundary of Blocks "1" and "3", except for any area used for driveway access;

(iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-5 be notated S - ;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council; and

(vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the Kernighan Neighbourhood Plan be amended by changing the designation of the subject lands from "Neighbourhood Commercial" to "Commercial" upon finalization of the implementing By-law.

EXPLANATORY NOTE:

The purpose of the proposed By-law is to provide for changes in zoning for lands located at 1270 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

Block "1" - Change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

Block "2" - Change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District; and,

Block "3" - Modification to the established "HH" (Restricted Community Commercial and Shopping, etc.) District.

The effect of the by-law is to permit the development of the subject lands for automobile related commercial uses as part of a comprehensive development of the south-west corner of Blossom Lane and Upper James Street. In addition, the By-law provides for the following variances as special requirements:

- permits auto body and fender repair in conjunction with automobile sales and rentals;
- a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly limits of the "HH" District where they abut the residential district to the west;
- a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the westerly limits of the "HH" District where they abut the residential district to the west;
- a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along Upper James Street, except for those areas used for vehicular access; and,
- a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the northerly boundary of Blocks "1" and "3" (Blossom Lane), except for any area used for driveway access.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  It is the applicant's intention to change the zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, for lands located at the rear of No. 1270 Upper James Street to permit the use of the lands for automobile related commercial uses (ie daily rental of motor vehicles; sale of motor vehicles, service of motor vehicles; and, appraisal and repair centre for body damage to motor vehicles), in conjunction with the lands fronting onto Upper James Street.

- Site Plan Control Application DA-95-05

  An application for site plan approval for Block "3" has been submitted by the applicant. At the request of the applicant, the site plan application is being held in abeyance until Zoning Application 95-25 has been finalized.

APPLICANT:

Edward Richter, owner.

LOT SIZE AND AREA:

The subject lands are part of a larger parcel of land. The lands subject to the rezoning application have:

- a width of 22 m (72 ft.);
- a depth of 67.1 m (220 ft.); and
- an area of 1,476 m^2 (15,890 sq. ft.).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

Surrounding Land Use

to the north	Commercial Plaza	"HH" (Restricted Community Commercial and Shopping, etc.) District
to the south	Single Detached Dwellings and Vacant lands	"C" (Urban Protected Residential, etc.) and "AA" (Agricultural) District
to the east	Single Detached Dwelling and Commercial Building	"C" (Urban Protected Residential, etc.) and "HH" (Restricted Community Commercial and Shopping, etc.) District
to the west	Single Detached Dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL - EXTENDED HIGHWAY" on Schedule "A" - Land Use Concept of the Official Plan. In addition, the subject lands are designated "Special Policy Area 31c". The proposal complies with the general intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Neighbourhood Commercial" in the approved Kernighan Neighbourhood Plan. The proposal does not comply with the Plan. Approval of this application would necessitate the redesignation of the subject lands from "Neighbourhood Commercial" to "Commercial".

UPPER JAMES STREET DESIGN GUIDELINES:

The subject lands are within the Upper James Street Corridor and are subject to the Urban Design Guidelines as set out in the approved Kernighan Neighbourhood Plan. The guidelines establish the following criteria for commercial development along Upper James Street (see APPENDIX "B"):

- a minimum landscaped planting strip along the rear property line of 6.0 m in depth;
- a triangluar open area at the intersection of Upper James Street and Blossom Lane; and,

- a maximum building height of 2 storeys for commercial uses.

The special variances to the Zoning By-law will implement the intent of the approved neighbourhood plan and design guidelines.

COMMENTS RECEIVED:

- The Regional Planning Department has no objection to the approval of the application.

- The Building Department has advised that:

  "1. The development of the lands shall comply with the requirement of Section 18(3)(ivc) of By-law 6593."

- The Traffic Division has advised that:

  "The approved neighbourhood plan for Kernighan Neighbourhood designates the subject property for future use as commercial. The information provided indicates that the subject land will be developed in conjunction with the adjacent lands fronting on Upper James Street. The addition of these lands will facilitate the comprehensive development of the proposed car rental, sales and service business.

  The development of the adjacent lands fronting on Upper James Street has been reviewed under Site Plan Application DA-95-05. A copy of our comments regarding that application are attached for information (APPENDIX "C"). Since there are a number of outstanding issues regarding access to the site and site circulation, we recommend that no variances be included in the implementing by-law should the rezoning be approved."

- The Roads Department has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  Blossom Lane has been designated as a mid-block collector street at its intersection with Upper James Street and Chipman Avenue on the east side of Upper James Street. The designated road allowance width of Blossom Lane from Upper James Street to a point 90 metres westerly is 26.21 m. In accordance with this designation, we recommend that as a condition of development approval that a strip of land 3.048 m in width be dedicated to the City of Hamilton for road widening purposes.

  We recommend that the subject lands be developed through site plan control at which time more detailed comments on grading, access, etc. will be submitted.

As the applicant may be aware, the existing pavement width of Blossom Lane is approximately 6.0 m with approximate 0.80 m wide gravel shoulders. This pavement width is less than the desirable width for two lane roadways. The introduction of additional commercial traffic onto Blossom Lane may result in vehicle congestion/conflicts should the pavement width be retained as is. Therefore the applicant/owner should be advised that as a condition of Approach Approval on Blossom Lane that the pavement and shoulder widths may be required to be widened to an adequate width to accommodate the two way commercial traffic generated by this development. All costs associated with this pavement widening on Blossom Lane will be the sole responsibility of the applicant/owner. The details of these works will be finalized at such time as a site plan for lands to be rezoned and adjacent lands to the east are submitted for our review and approval.

In the absence of any details shown we advise that any works which may occur within the Blossom Lane road allowance, as widened, must conform to the City of Hamilton Streets By-law."

COMMENTS:

1. The proposal does not conflict with the general intent of the Official Plan.

2. The subject lands are designated "Neighbourhood Commercial" in the approved Kernighan Neighbourhood Plan. The proposal does not comply with the Plan. As such, the subject lands on which the automobile dealership is proposed should be redesignated from "Neighbourhood Commercial" to "Commercial".

3. The application has merit and can be supported for the following reasons:

   - it allows for the comprehensive development of the lands located at the south-west corner of the Blossom Lane - Upper James Street intersection;

   - the proposed automobile sales, rental and service uses are permitted in the "HH" District. The inclusion of autobody repair as a permitted use can be supported given that autobody repair is normally incidental to an automobile dealership and has been recognized as a permitted use for the automobile dealership located approximately 125 m to the north of the subject lands; and,

   - it is compatible with existing and proposed development in the area.

4. In keeping with the general intent of the Official Plan and the Urban Design Guidelines for the Upper James Street Corridor, the implementing zoning by-law should contain the following special requirements:

- a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height and a landscape planting strip having a minimum width of 6.0 m, should be provided and maintained along the westerly limits of the "HH" District where it abuts a residential district to buffer the parking area from the adjacent lands zoned for residential uses;

- a landscape planting strip having a minimum width of 6.0 m should be required to be provided and maintained along Upper James Street, except for those areas used for vehicular access; and,

- a minimum 3.0 m wide planting strip should be required to be provided and maintained along Blossom Lane, except for any area used for vehicular access.

The proposed landscaped strips will provide for a triangular shaped open area at the intersection of Blossom Lane and Upper James Street, in accordance with the Upper James Street Urban Design Guidelines. These requirements are similar to those that were adopted for the development of the Upper James Street - Regina Drive intersection by Council (Zoning Application 95-10, Roy Yates).

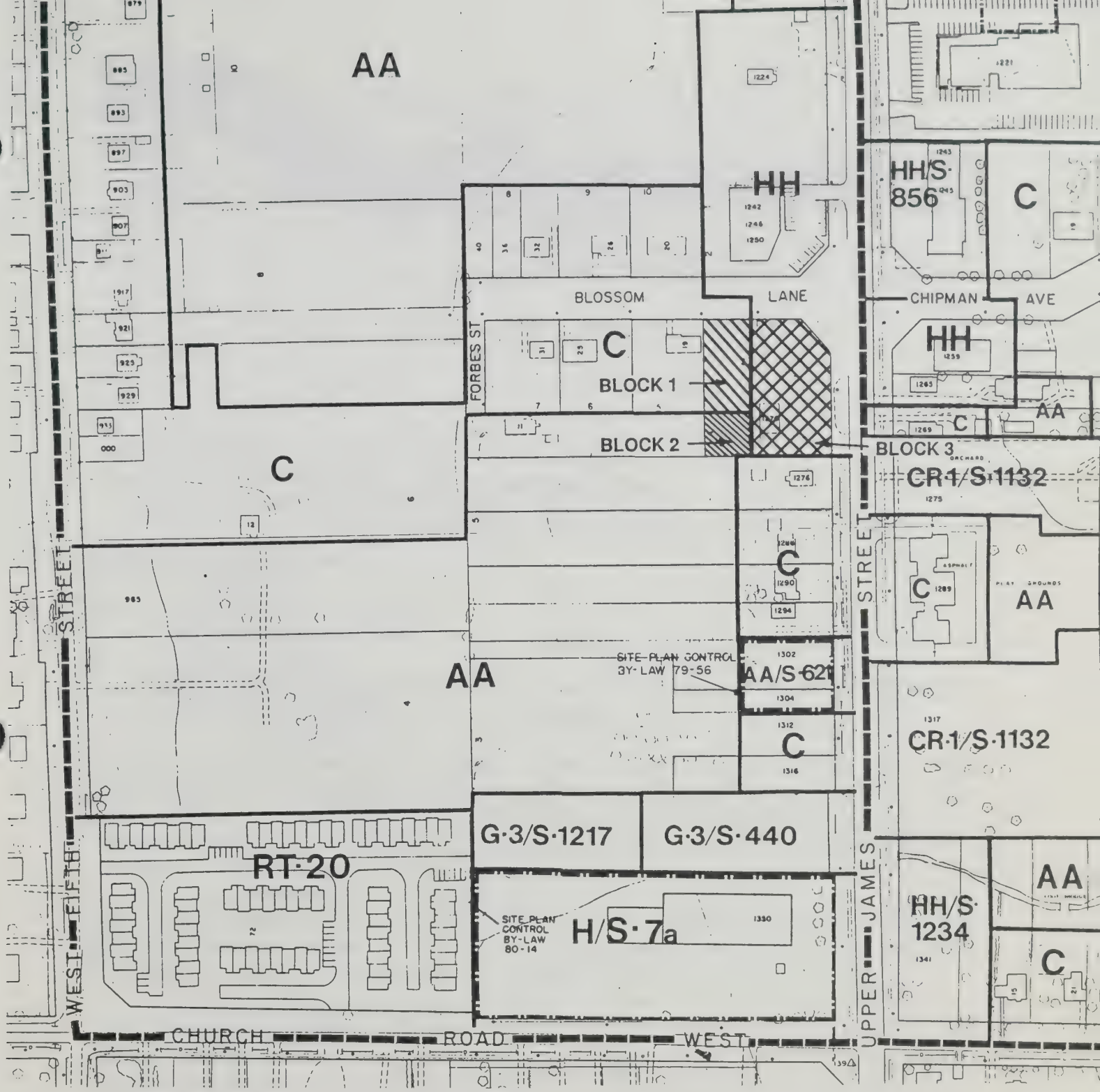
5. The requested change in zoning to "HH" (Restricted Community Shopping and Commercial, etc.) District is appropriate and would be subject to site plan control. In this regard, the applicant is required to submit site plans of the development for approval which would allow for the review of access, parking, grading, etc. prior to the issuance of a building permit.

   An application for site plan approval for the adjacent lands to the east has been submitted by the applicant. At the request of the applicant, the site plan application is being held in abeyance until Zoning Application 95-25 has been finalized. The applicant will be required to revise their Site Plan Control application to include the subject lands upon finalization of the Zoning By-law.

CONCLUSION:

On the basis of the foregoing, the proposal can be supported.

SR/sr
95-25



Legend

Proposed change in zoning :

ZAC-95-25

BLOCK 1 — "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District.

BLOCK 2 — "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.

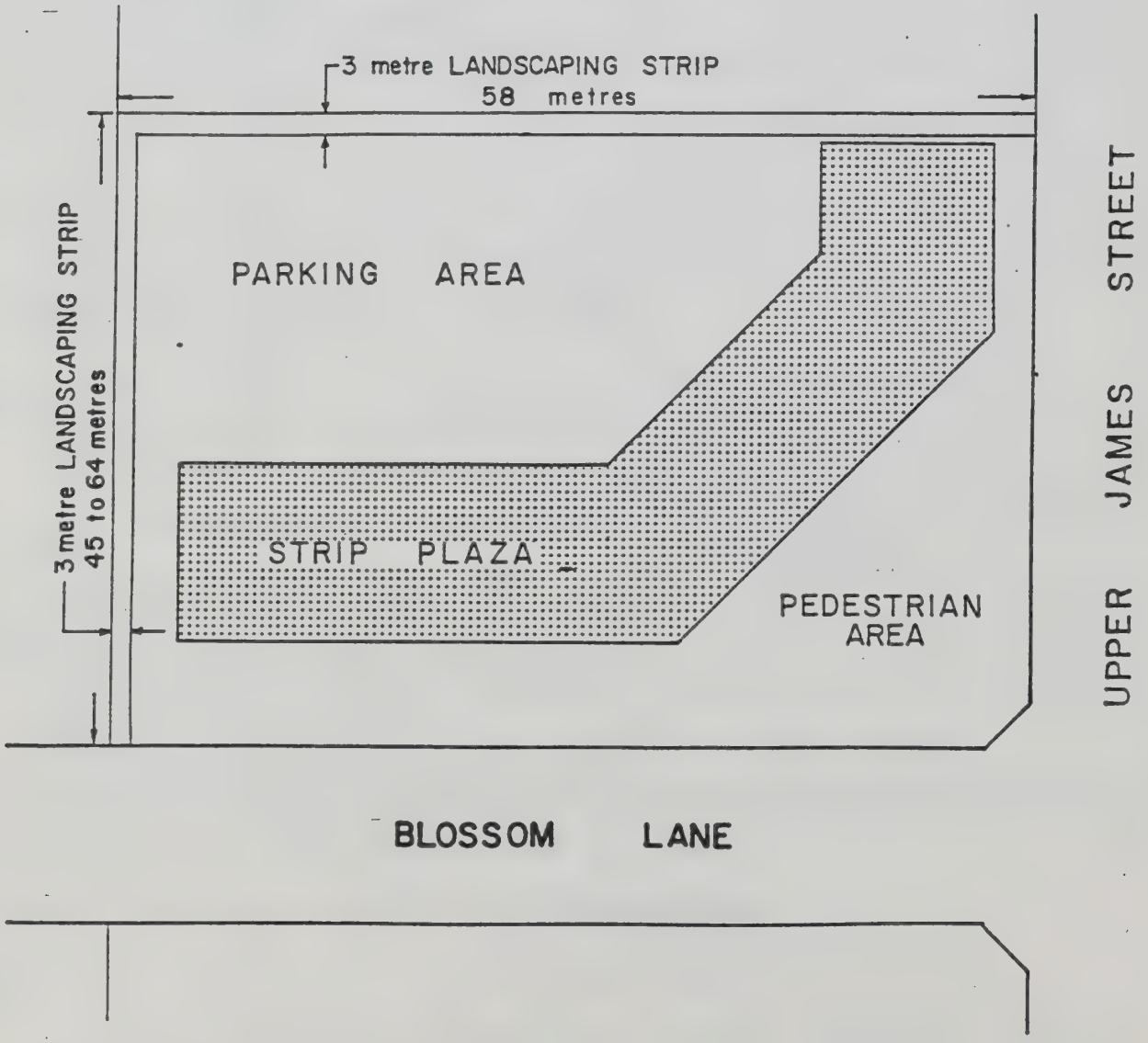
BLOCK 3 — Modification to the established "HH" (Restricted Community Shopping and Commercial) District.

APPENDIX "A"

URBAN DESIGN GUIDELINES
FOR
UPPER JAMES STREET CORRIDOR
KERNIGHAN SECTION

Example of Commercial Area Design for:

3) Neighbourhood Commercial



JUL 26 1995

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

City of
HAMILTON

TRAFFIC DIVISION
1st Floor, 71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

1995 June 26

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention Mr. J. Sakala

Re: DA 95-05
1270 Upper James Street

In response to your letter of 1995 June 22, please be advised that we have reviewed the above application and have the following comments.

The submitted plan is essentially the same as the plan submitted on 1995 February 14 with the exception that the east/west driveway adjacent to the south property line has been deleted. Therefore, our comments of 1995 March 6, (attached) regarding the access to the site, the location of the building and the inclusion of the lands to the west are applicable to the current submission.

With reference to the deletion of the east/west driveway, this modification creates two long deadend driveways in the parking area. We recommend the east/west driveway be maintained as shown on the previous plan to provide improved site circulation.

In the event the application is approved as submitted, the applicant should be advised that an application must be made to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

APPENDIX "C"

Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,

Roland Karl, P.Eng.
Manager of Traffic Planning

BF/ab
Attach.

cc E.P. Chajka, Manager of Development, Roads Department

TRAFFIC DEPARTMENT
City of HAMILTON
71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

1995 March 06

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA 95-05
1270 Upper James Street

In response to your letter of 1995 February 14, please be advised that we have reviewed the above application and have the following comments.

The subject property is located on the southwest corner of the intersection of Upper James Street and Blossom Lane/Chipman Avenue which will serve as the midblock collector street for the neighbourhoods east and west of Upper James Street. As such this intersection will be signalized in the future and include raised concrete medians which may restrict the vehicular access to right turns in and out of the driveways in the location shown on the submitted plan. Therefore, we recommend that the accesses to the site be located as close as possible to the west and south limits of the property.

The location of the proposed building in relation to the proposed access on Blossom Lane does not provide adequate manoeuvring area for single unit trucks to access the parking area south of the proposed building from Blossom Lane. Therefore, we recommend that the location of the proposed building be modified to ensure that adequate manoeuvring is provided. In addition, we recommend that the access to Blossom Lane be modified to provide a minimum width of 7.5 m at the property line.

It should be noted that the approved neighbourhood plan for this area designates the subject lands, including the portion presently zoned "C" Residential, for neighbourhood commercial development. Our preference is to have the subject lands, including the residential portion, developed as one comprehensive development consistent with the intent of the neighbourhood plan.

Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,

Murray F. Main, P.Eng.
Director of Traffic Services

RK/BF/kg

5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 28

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King
Building Commissioner
Building Department

Doug Lobo
Commissioner of Public Works and Traffic
Public Works and Traffic Department

SUBJECT: - Revisions/Clarifications - Eligibility Criteria and related Amendments to Community Improvement Plans.

RECOMMENDATION:

1. That the City's Loan Program under the Community Improvement provisions of the Planning Act now known as the "Commercial Loan Program" be renamed the "Commercial Property Improvement Loan Program"; and,

2. That with respect to the following Community Improvement Project Areas, namely:

   The Concession Street Community Improvement Project Area,
   The Downtown Hamilton Community Improvement Project Area,
   The International Village Community Improvement Project Area,
   The Main Street West Community Improvement Project Area,
   The Ottawa Street Community Improvement Project Area, and
   The Westdale Village Community Improvement Project Area

   revisions to the City's Loan Programs in each Area, (attached hereto and marked as Appendix "A"), be approved (pursuant to the Community Improvement provisions of the Planning Act); and,

3. That the Public Works & Traffic Department hold a public meeting and take other steps required by the Planning Act in order that the said revisions may be adopted by by-law to amend the Loan Program provisions of the Community Improvement Plans for each of these Community Improvement Project Areas.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The proposed revisions to the Loan Programs recommended above, will not result in any additional allocation of funds for the Loan Programs.

In accordance with the Planning Act, (R.S.O. 1990, c. P.13, s. 28), a public meeting is required to receive citizen input on the proposed amendments. An amending by-law and its approval by the Minister of Municipal Affairs and Housing is required by the Planning Act before these revisions may be implemented.

BACKGROUND:

The Commercial Loan Program was initiated in 1986 pursuant to the Community Improvement provisions of the Planning Act to provide low interest (half of prime) loans to owners of commercial buildings in seven Business Improvement Areas (B.I.A.'s). The purpose of the loans is to make exterior and interior improvements to commercial properties. Over time, some applicants have experienced difficulty with both varying interpretations of loan eligibility criteria and the parameters of the program. As a result, staff initiated a review of the loan eligibility criteria and have discussed the revisions recommended above with the B.I.A. Co-ordinating Committee for input.

Attached hereto and marked as Appendix "B" for the information of the Committee is a copy of the Essential Loan Criteria Summary. Staff from the Building, Public Works & Traffic, and Law Departments met on a number of occasions to review and clarify the loan eligibility criteria recommended above. The B.I.A. Co-ordinating Committee also reviewed and endorsed the Appendix "B" summary at its meeting held 1995 November 07.

The revised loan eligibility criteria are set out in further detail as Appendix "A" attached hereto for recommendation to Council for purposes of formal public discussion of these criteria leading up to their adoption by by-law -- as by-law amendments to the applicable seven Community Improvement Plans.

In general, the revised attached loan eligibility criteria will permit owners of non-residential commercial buildings to now also apply for loans for interior portions of their buildings. The revised program will now limit the same applicant to $75,000. in any single twelve month period, thus regulating the activity of any one particular developer. This also protects the City in the event of default. It is important, however, to note that in addition to the attractive interest rates on these loans relative to the market, the equity requirements are less than what private lenders deem secure.

Finally, the present title "Commercial Loans Program" typically refers to those loans advanced by banks and other financial institutions to finance whole businesses. In order to clarify the City's limited involvement in loans, it is recommended above that our loan program be renamed the "Commercial Property Improvement Loan Program", which name is more in keeping with the community improvement mandate of the City pursuant to the Planning Act.

:hm

Attach

c.c. P. Noé Johnson, City Solicitor
c.c. A. C. Ross, City Treasurer

PROPOSED REVISIONS TO THE CONCESSION STREET, DOWNTOWN HAMILTON, INTERNATIONAL VILLAGE, MAIN STREET WEST, OTTAWA STREET AND WESTDALE VILLAGE COMMUNITY IMPROVEMENT PLANS

1995 November 24
Public Works and Traffic Department

Schedule A

The Community Improvement Plans adopted by Council for the Concession Street, Downtown Hamilton, International Village, Main Street West, Ottawa Street and Westdale Village Community Improvement Project Areas (hereinafter referred to as the "Community Improvement Plans",) are intended to be revised by the following additional provisions, which additional provisions shall prevail in the event of any conflict with the terms of the original Plans. Prior to adoption of these proposed revisions by bylaw, the procedures required by the Planning Act, including a public meeting, shall be held.

1.0 GENERAL

For the purpose of carrying out the Community Improvement Plans, The Corporation of the City of Hamilton may make loans to the registered owners or assessed owners of lands and buildings within the Community Improvement Project Areas of the said Community Improvement Plans, to pay for the whole or any part of the cost of the community improvement of any such lands, including the cost of rehabilitating such lands and buildings in conformity with the said Community Improvement Plans and upon the following additional terms and conditions.

Loans are available only to the extent of funds allocated from time to time for those purposes by the Council of The Corporation of the City of Hamilton.

2.0 REVISED LOAN GUIDELINES

2.1 Upon receipt of a satisfactory application which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at an interest rate of one half of the City's prime borrowing rate, amortized for a maximum period of ten years.

The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice or penalty.

2.2 These loans are solely intended for the owners of lands within the said designated Community Improvement Project Areas where the owners' lands are used for non-residential commercial purposes which, in the opinion of the City,

(a) are intended for the eligible improvements and expenses contemplated in the said Plans as amended herein;

(b) fulfil the objectives of the City expressed in the said respective Community Improvement Plans, as amended herein;

(c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

2.3 While businesses which are tenants are not, according to the Planning Act, eligible for loans provided for in the said Plans as amended herein, loans to eligible property owners for improvements which will also benefit business tenants are provided for in these Plans.

2.4 Loans may be made to an owner of a non-residential commercial property not exceeding the sum of $15,000. in respect of the cost of eligible facade and exterior renovations to each separate location of the owner's property specially assessed or specially assessable for a levy payable to the Board of Management of the applicable Business Improvement Area, (namely, the Concession Street, Downtown Hamilton, International Village, Main Street West, Ottawa Street or Westdale Village "Business Improvement Areas' Board of Management", as the case may be). These loans are subject to a maximum limit of $45,000. (3 units, $15,000. each) for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s).

2.5 Loans may be made to an owner of a non-residential commercial property not exceeding the sum of $10,000. in respect of the cost of eligible interior improvements to each separate location of the owner or of a tenant under lease from the owner, specially assessed or specially assessable for a levy payable to the Board of Management of the applicable Business Improvement Area, (namely, the Concession Street, Downtown Hamilton, International Village, Main Street West, Ottawa Street or Westdale Village "Business Improvement Areas' Board of Management", as the case may be) subject to,

(a) a loan maximum of $30,000. for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s); and,
(b) the tenant, if any, accepting in writing the proposed interior improvements.

2.6 Loans may be for the following types of improvements and their related expenses:

- exterior building envelope;
- major building systems, including roof, wiring, plumbing, heating;
- interior fixtures, including partitions;
- interior decorating, including lighting, painting, wallpaper, etc.;
- built-in showcases, freezers, special plumbing, etc.;
- exterior/interior signage;
- related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or $200.;
- such other loan program administrative fees fixed by Council from time to time.

Loans shall be advanced only in respect of completed work which has been inspected by the City.

Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.

2.7 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department. Deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).

2.8 The owner will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.

2.9 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.

2.10. As security for repayment of the loan made by the City, the borrower shall:

(a) give the City a promissory note and, if a limited company, the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the corporate borrower to borrow the loan and give the loan security to the City;

(b) consent to a City Lien being registered on title to the property being improved in which the property owner must have at least 20% equity, after covering outstanding property encumbrances, not including the amount of the City's loan;

(c) where an owner has less than 20% equity in the property being improved,

(i) the owner may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor; and

(ii) the owner may provide the City with a guarantee from another person, provided the guarantee is secured by a mortgage on the Guarantor's property that meets the City's equity requirements and the Guarantor's lawyer prepares and certifies the guarantee and the collateral mortgage to the City, at the owner's expense, in a form satisfactory to the City Solicitor;

(d) keep in good standing business taxes, realty taxes and B.I.A. levies.

2.11 Upon sale of the property improved by the loan, the loan/lien is due and payable in full to the City unless the new owner of the property meets the lending criteria and assumes the original terms and conditions of the loan.

Upon sale of a property which secures by a collateral mortgage repayment of a loan, the loan is due and payable in full to the City.

APPENDIX 'D'

COMMERCIAL PROPERTY IMPROVEMENT LOAN PROGRAM (CPILP)
(formerly Commercial Loan Program)
ESSENTIAL LOAN CRITERIA SUMMARY (Revised November 7, 1995)

The Commercial Property Improvement Loan Program (CPILP) provides municipal financial assistance to improve commercial buildings in Business Improvements Areas (B.I.A.'s) in the City of Hamilton.

There are two types of improvements to commercial buildings covered by CPILP. Exterior improvements and interior improvements. Applicants who undertake the renovations themselves are only eligible to receive cost of materials (substantiated by receipts).

Interior Improvements:

- wiring, plumbing, heating;
- interior fixtures, including partitions;
- interior decorating, including lighting, painting, wallpaper, etc;
- built-in showcases, freezers, special plumbing, etc;
- interior signage;

Exterior Improvements:

- exterior building envelope;
- major building systems, including roof;
- exterior signage.

Who Is Eligible to Apply:

Exterior Portion:

Only owners of the subject building are eligible to apply.

Interior Portion:

Owners of the subject building carrying out a business in the building are eligible to apply. If they have leased the premises to a tenant who is carrying out a business or who is in process of commencing a business, the owner may also apply for the interior portion. Currently, tenants are not eligible to apply, although, under proposed legislation, the City of Hamilton is seeking Provincial approval to permit tenants to receive loans for the interior portion.

Maximum Loan Amounts:

An assessable unit means a business location that is deemed eligible to pay a B.I.A. levy.

Exterior:

$15,000 per assessable unit to a total of $45,000 (3 units) per deeded property of the owner.

Interior:

$10,000 per assessable unit to the total of $30,000 (3 units) per deeded property of the owner.

If an applicant has previously received a loan or loans totalling $75,000 from this program, the borrower is not eligible to be considered for any further loans until 12 months have elapsed from the date of Council approval of the most recent loan.

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 27

REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Commercial Improvement Programme (C.I.P.) -
Westdale Village Business Improvement Area (B.I.A.)
1995 Request

RECOMMENDATION:

1. That the installation of four additional benches within the Westdale Village B.I.A. targeted for implementation under the Commercial Improvement Programme be approved at an estimated cost of $2,800., account number CF 5698 428705004; and,

2. That the $600. estimated maintenance cost is presently unfunded and will require an adjustment to the 1996 Maintenance Budget of the Parks Division, Department of Public Works and Traffic.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Implementation of this project will result in an estimated $600. increase in the General Parks Maintenance budget for the annual maintenance of the benches and will be presented as a current budget adjustment in the 1996 fiscal year for the Parks Maintenance Division Budget, Department of Public Works and Traffic, account number CH 51401-62102.

BACKGROUND:

The Commercial Improvement Program was established to fund streetscape improvements on publicly owned lands within Hamilton's Business Improvement Areas (B.I.A.'s). Since 1987, B.I.A.'s have applied annually to the Community Renewal Section of the Department

of Public Works and Traffic for funding requests of various streetscape improvements. These improvements have included items such as: benches, banners, planters, alleyway lighting, garbage containers and paving of alleyways.

JP/jp

c.c. Mr. A. Ross, City Treasurer
Mr. R.W. Chrystian, Manager, Parks Division
Mr. P. Booker, General Foreman, Parks Division

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Public Health Services
25 Main Street West, 2nd Floor
Hamilton, Ontario

546-3570
Fax: 546-2787

Mailing Address:
P.O. Box 897
Hamilton, Ontario
L8N 3P6

7

November 24, 1995

Mr. J. Schatz
City Clerk
City of Hamilton
71 Main Street West
Hamilton, ON L8N 3T4

Dear Mr. Schatz:

Re: $40.00 Fee for Rezoning, Minor Variance and Committee of Adjustment Applications

As you know, the Department of Public Health Services provides comments on the various applications noted above.

Please be advised that Regional Council has approved a request from this department to institute a fee for this service effective January 1, 1996. The department provides comments as a result of its contract with the Ministry of the Environment and Energy to enforce the requirements of Part VIII of the Environmental Protection Act and a fee is necessary to cover the costs incurred in providing this service.

It is my understanding that your municipality already charges a fee to applicants and I would be grateful for your cooperation in adding this fee to your own and remitting it to us at a mutually acceptable interval (perhaps quarterly).

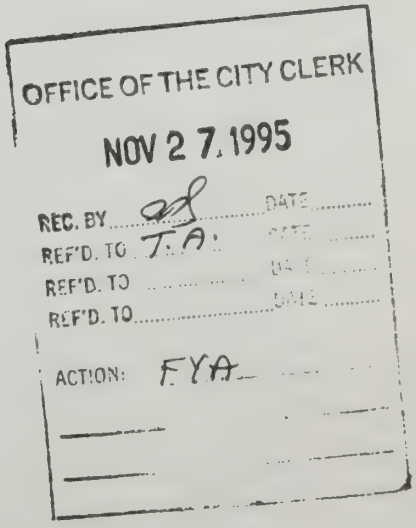
I hope this will be acceptable to you and will be pleased to provide any additional information which you may require.

Yours truly,

William Hunter, C.P.H.I.(C)
Director of Environmental Health

WH:dm

cc. Victor Abraham, Director of Local Planning



8.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 December 6th
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting Held 1995 November 22

B. DIRECTOR OF PUBLIC WORKS AND TRAFFIC

(a) Closure of Public Works and Traffic Department's Park Division
- Community renewal Capital Projects

(b) International Village Business Improvement Area
- Proposed Budget and Schedule of Payments for 1996

(c) Ottawa Street Business Improvement Area
- Proposed Budget and Schedule of Payments for 1996

(d) Downtown Hamilton and International Village Business Improvement Areas
- Request Under the Commercial Improvement Program

(e) Ottawa Street Buisiness Improvement Area 1995 Request
- Commercial Improvement Program

(f) Downtown Hamilton Business Improvement Area
- Proposed Budget and Scedule of Payments for 1996

(g) Barton General Business Improvement Area
- Proposed Budget and Scedule of Payments for 1996

(h) Main Street West Esplanade Business Improvement Area
- Proposed Budget and Schedule of Payments for 1996

Consent Agenda - Planning and Development Committee, 1995 December 6

C. BUILDING COMMISSIONER

(a) Hamilton Rehabilitation Program - Retaining Walls
Provisional Capital Budget: 1996-2005

(b) Demolitions:
(i) 44 Tisdale Avenue North
(ii) 263 West 18th Street
(iii) 30 Norfolk Street North
(iv) 23 Leland Street

D. DIRECTOR OF PLANNING AND DEVELOPMENT

Authorization for Staff to attend an Ontario Municipal Board Hearing regarding 6 Sandlyn Court, A-95-221

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1995 November 22
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present:	Alderman D. Drury, Chairperson Alderman F. D'Amico, Vice-Chairperson Alderman W. McCulloch Alderman B. Charters Alderman M. Caplan Alderman G. Copps Alderman F. Eisenberger Alderman H. Merling
Regrets:	Mayor R. Morrow, Civic Business
Also present:	Alderman T. Anderson Alderman M. Kiss Victor Abraham, Director of Planning and Development Paul Mallard, Planning Department Bill Janssen, Planning Department Joanne Hickey-Evans, Planning Department Steve Robichaud, Planning Department Eugene Chajka, Transportation and Environmental Services Willy Wong, Building Department Art Zuidema, Law Office Roland Karl, Traffic Division Hazel Milsome, Public Works Mark Mascarenhas, Housing Department Tina Agnello, Secretary

1. **Zoning Application 94-22 by Shermal Developments Inc., owner, for Lands Located South of Rymal Road East and West of the Proposed Extension of Upper Sherman Avenue, for Changes in Zoning for Block "1" from "AA District to "RT-20" District; Blocks "2", "3" and "4" from "AA" District to "C" District; and Block "5" from "AA" District to "R-4" District.**

The applicant was present in support of his application.

Paul Mallard recommended that the subdivision be tabled due to technical matters which must be resolved between the applicant and the Roads Department. Therefore the Planning Department is recommending approval of the Zoning Application at this time. Mr. Mallard advised that the By-law be held in abeyance pending subdivision approval.

Subsequently the Committee recommended to Council approval of the Zoning Application as follows:

(a) That amended Zoning Application ZAC-94-22, Shermal Developments Inc., owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Blocks "2", "3" and "4"), and "R-4" (Small Lot Single - Family Dwelling) District, (Block "5"), as shown on the attached map marked as Appendix "A", be approved on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;

(ii) That Blocks "2", "3" and "4" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(iii) That Block "5" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single - Family Dwelling) District;

(iv) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27E for presentation to City Council; and,

(v) The application complies with the City of Hamilton Official Plan;

(b) That the Chappel East Neighbourhood Plan be amended to change the internal road pattern and the realignment of Upper Sherman Avenue between Rymal Road East and the City limits upon finalization of the implementing By-law; and,

(c) That the implementing by-law not be passed until Council has approved Subdivision Application 94-03 (Regional File No. 25T-94005(R)).

2. **Zoning Application 95-25, by Edward Richter, Owner, for a Change in Zoning for "AA" District and "C" District to "HH" District for Lands Located at 1270 Upper James Street**

Paul Mallard advised that of 40 notices that were circulated, seven replied in favour and three opposed.

The applicant was present in support of the application. Mr. Mallard advised that the Planning Department is in support of the application. The additional uses are consistent with those presently on the premises.

Mr. Steven Yanover was also present on behalf of the applicant.

Eldon Hock was present from 31 Blossom Lane, representing a lady at 19 Blossom Lane. He explained that he would like the Committee to ensure that the building is placed on a certain location; not too close the abutting neighbour's property.

As a result, Ald. McCulloch suggested that Blocks 1 and 2 be used for parking purposes only in conjunction with the main use.

Mr. Yanover stated that this may not be acceptable to the applicant.

Following a brief discussion, the Committee moved to table the matter in order that the Ward Aldermen may meet with the applicant and the residents and bring the application back to the Committee at the next meeting.

3. **Zoning Application 95-24, by Ginfill Construction, Owner, for a Change in Zoning from "C" District to "RT-30" District, Modified, for Lands Located North of**

Rymal Road West and East of Upper Paradise Road

Submissions were received from the following:

(a) A. Frisina, President, Frisina Construction Co. Ltd.
(b) Timothy and Whilma Studer, 545 Rymal Road West, Hamilton
(c) Hubert and Marie Weingertan, 82 Donneci Drive, Hamilton

Mr. Filice, applicant, was present in favour of the application.

Paul Mallard advised that in 1988 a draft plan approval for 80 acres of land was set aside for future residential development.

In 1991, a Part Lot Control application was made subject to lands designated single and double residential.

Mr. Mallard stated that townhouse and main residential units on connector and arterial roads are not in keeping with the neighbourhood plan.

Of 86 notices circulated, two replied in favour and 22 were opposed.

Mike Auden, 42 Spadera Drive, was present. He stated that this neighbourhood is a country area and is no place for townhomes. He is concerned that, if townhouses were built, owners would rent out their property and that, in his view, people who rent will not take care of the property.

Sandra Lockwood, Assistant Co-ordinator of Paradise Children's Corner located on the corner of Upper Paradise and Rymal Road, was present. She stated that many City departments are against the proposal and that the proposal is against the neighbourhood plan. She is concerned with parking overspill onto her property and other side effects that townhouses may have and therefore is opposed.

Mr. Filice stated that there is approval to build residential on this site in any event and that it is just a matter of how many lots will be built.

Alderman D'Amico and Alderman Merling stated that they could not support townhouse development such as this on an arterial road.

Alderman Copps stated that it is important to consider the density with regard to the hard services which are required and also the soft services, such as education.

Alderman Eisenberger stated that, with regard to the neighbourhood plan, it is not etched in stone and that people have right to come before the Planning and Development Committee for minor changes.

As recommended in a report from the Director of Planning and Development dated 1995 November 13, the Committee recommended to Council as follows:

> That Zoning Application ZAC-95-24, Ginfil Construction, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District, to permit development for eight street townhouse dwellings, for lands located on the north side of Rymal Road West, east of Upper Paradise Road, as shown on the attached map marked as Appendix "B", be **DENIED** on the following basis:

(a) It conflicts with the intent of the Official Plan and the Approved Falkirk East Neighbourhood Plan, which designate the subject lands "SINGLE AND DOUBLE RESIDENTIAL";

(b) It is not consistent with planning practise of the City to locate multiple-family development at nodes created by the intersection of arterial and collector roads;

(c) The proposed townhouse development would be out of character with established and future intended development in the adjacent area; and,

(d) Approval of this application may encourage other similar applications, which if approved, would undermine the intent of the Neighbourhood Plan.

4. **Draft Plan of Subdivision 95-10, from Homes by DeSantis Inc. and Marz Homes Holdings Inc., Joint Owners, on Lands Located West of Nash Road North and South of Kentley Drive in the Kentley Neighbourhood**

Submissions were received from the following:

(a) T.F. Porritt, 575 Queenston Road, Apt. 819, Hamilton
(b) B. Scott Konkle, Hamilton Conservation Authority, Ancaster

Steve Robichaud stated that this is an application for a development of 42 single detached dwellings. He stated that the plan before the Committee is a revised crescent plan which was originally a cul-de-sac plan which provided for 44 single detached dwellings.

Sergio Manchia, of Planning Initiatives, was present on behalf of the applicant in support of the application. Mr. George Barclay, of Homes by De Santis, was also present.

Steve Robichaud advised that of 681 notices circulated, 41 were in favour and 12 opposed. Staff recommends approval.

Mr. Manchia stated that the development is for single family use in keeping with the Neighbourhood Plan. He stated that originally some people were concerned with the road pattern and as a result it was changed to a crescent from a cul-de-sac pattern. The lands were purchased under a tendered process, and as such the applicant would like to proceed swiftly with the development as time is of the essence.

Thomas Clifford, of 9 Kentley Drive, was present. He stated that he and many others in the neighbourhood prefer the cul-de-sac because they do not want too many entrances onto Kentley Drive.

George Barclay advised that his preference is for a cul-de-sac because he feels it is more marketable and that residents prefer it. He added however that staff took a firm position on the crescent. Mr. Barclay advised that they would like to proceed in any event.

Alderman Eisenberger felt that the differences in design are small. Eugene Chajka replied that the differences affect snow removal, which takes more time and is more costly, and traffic issues - safety with regard to garbage collection and backing up vehicles.

Alderman Copps asked whether sidewalks would be provided to which Mr. Chajka replied that they would be constructed in this development.

Alderman Eisenberger suggested that the application be approved as a cul-de-sac.

Sergio Manchia asked about Item 5 in the Report, in which the H.S.R. requests that a walkway be considered. He informed the Committee that the applicant is not in favour of the walkway if a walkway is required.

Paul Mallard advised that this is a request only and that the City is not required to include the walkway. It was a general consensus of the Committee that the walkway not be included.

Following the discussion, the Committee recommended to Council that the draft plan of subdivision be approved in the cul-de-sac formation as follows:

(a) That approval be given to Subdivision Application 95-10 (Regional File No. 25T-95019), Homes by DeSantis Inc. and Marz Homes Holdings Inc., joint owners, to establish a draft plan of subdivision "Kentley Lane", on lands located west of Nash Road North and south of Kentley Drive in the Kentley Neighbourhood, as shown on the attached map marked as Appendix "C" subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Planning Initiatives Ltd. and certified by S.J. Balaban, O.L.S. of J.D. Barnes Ltd., dated August 14, 1995, showing 40 lots for single detached dwellings and one street identified as Street "A", attached hereto as Appendix "D".

(ii) That the Owner establish Street "A" to its full 20.0m width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision.

(iii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(iv) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measures after each rainfall to the satisfaction of the Senior Director, Roads Department;

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.

(v) That the centreline of the proposed street south of Crawford Drive must align centreline to centreline with the existing road allowance of Crawford Drive.

(vi) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

(vii) That Street "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(viii) That the owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan.

(ix) That the final plan conform with the Zoning By-law approved under the Planning Act.

(x) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

(xi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(xii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(xiii) That the owner provide written confirmation from the Hamilton Region Conservation Authority, the Senior Director, Roads Department and the City of Hamilton Traffic Division that the draft plan of subdivision is to the satisfaction of the aforementioned agencies.

(xiv) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95010), Homes by DeSantis Inc. and Marz Homes Holdings Inc., joint owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

(d) That the approved Kentley Neighbourhood Plan be amended to change the designation of the subject lands and the abutting lands to the west from "Civic & Institutional" to "Single and Double" Residential upon registration of the Final Plan of Subdivision.

5. **Rental Housing Protection Act Application CDM-95-010, 350 Concession Street, Inch Park Neighbourhood**

Bill Janssen advised that the application before the Committee is to convert rental to condominium. At present the one bedroom units are renting for $530., the two bedroom units are renting for $639. and three bedroom units are renting for $700. If sold as condos the units would be sold at $79,000. plus $1,000. for each floor up from the first floor, $99,000. plus $1,000. for each floor up and $119,000. plus $1,000. for each floor up. The present tenants will be permitted a 7% discount to purchase. In addition, improvements will be made to all the units.

With regard to the Rental Housing Protection Act, the criteria states that a conversion can occur as long as it does not adversely affect the supply of rental housing in the area. Canadian Mortgage and Housing Corporation criteria was used and the overall supply in the City is not affected but on the mountain, the rents for this property are slightly higher for one and two bedroom apartments and slightly lower for three bedroom apartments. The vacancy rate for rentals in the City overall is 2.4%, but on the mountain is only 1.4%, vastly below the 2% required under the Rental Housing Protection Act. Mr. Janssen explained, that if the tenants were displaced there would not be enough units on the mountain for them to find to live in the same price range.

In terms of purchasing the tenants would need $10,000. - $20,000. more in income in order to make the purchase of the units affordable.

Mr. Janssen explained that the tenants have formed a Committee. None of the tenants are interested in purchasing the units. A petition has been submitted by the tenants stating that no one wants to buy the units. After consideration of the foregoing, staff recommends that the application be denied.

Mark Scholes, solicitor, and Tom Weisz, principal for the property, were present.

In response to a question from Mr. Scholes, Bill Janssen advised that the denial is partially based on the 2% vacancy rate required, but that there is also other criteria.

Mr. Scholes distributed Legislation to the Committee with regard to rental housing which states that the whole municipality should be used with regard to vacancy rates, not just the mountain. He also stated that the tenants may remain for five years after the conversion and that Effort Trust will help them relocate. Mr. Scholes reiterated that the prices for the tenants to purchase the condominium units will be given at a reduced rate and that they are affordable. He closed by stating that the conversion to condominium will not adversely affect the supply of rental housing in Hamilton.

Robert Miller, of 350 Concession Street, a resident of the building in question, was present. He stated that he is the spokesperson on behalf of all the residents in the building and has resided in the building for 21 years. He stated that James Barclay Sr. and Shirley Barclay, both members of the Executive Committee, were also present.

They oppose the application on behalf of all the tenants. The age of the building is old and the state of the building is in disrepair as well. He said that the owners have disregarded the tenants' wishes to meet with them and that if it was not for Alderman Merling, an information meeting would never have taken place. He stated that the average age of the tenants is 68 and that as such, many of the seniors are not interested in purchasing the property. He advised that the owners of the Montebello Apartments at 222 Concession Street had previously placed an application for condo conversion and were denied.

Mr. Scholes stated that a representative of Effort Trust met with each tenant. He also advised that there was not enough notice of the meeting that Alderman Merling set up and he was therefore unavailable to attend.

In response to Mr. Scholes, Alderman Merling stated that the Act requires 15 days notice of the Planning and Development Committee meeting, not the meeting which was organized by him as a courtesy to the owners and tenants.

Alderman Merling added that the Planning Department has accurately given an account of the vacancy rates. At present the building is in disrepair. There are a lot of deficiencies and some residents have improved their apartments at their own costs. He stated that this location is excellent for the residents - convenient to all services and amenities.

Alderman Anderson concurred with Alderman Merling in support of the denial. He also stated that there was not very much turn over in this property and there is not a lot available in terms of rental housing elsewhere on the mountain for these people if they are displaced.

Alderman Copps also concurred and stated that the proposed sale price of the units appears to be expensive.

As recommended by the Director of Planning and Development in a report dated 1995 November 15, the Committee recommended to Council as follows:

> That Application CD-95-010, under the Rental Housing Protection Act, 350 Concession Limited, owners, for conversion of 27 rental apartment units to condominium units for the property located at 350 Concession Street, be **DENIED** for the following reasons:
>
> (a) Approval of the application would have an adverse impact on the supply of affordable rental apartment units in the Hamilton Mountain Zone; and,
>
> (b) There is a lack of alternative vacant units within the Hamilton Mountain Zone to which existing tenants could relocate.

6. <u>Alderman T. Jackson - Zoning By-law, Central Air Conditioners</u>

This item was tabled in order that Paul Mallard provide Alderman Jackson more information on the matter.

7. CITY SOLICITOR AND BUILDING COMMISSIONER

Special Legislation for Loans to Tenants in Community Improvement Areas

As recommended by the City Solicitor and Building Commissioner in a reported dated 1995 October 31, the Committee recommended to Council as follows:

> That the Province be requested to enact special legislation, similar in form to Appendix "E" attached, to permit the City to make loans or grants to tenants located within a Community Improvement Area for the purpose of rehabilitating the premises leased by the tenants, in conformity with the Community Improvement Plan.

* Alderman Copps opposed.

8. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

1995 Meeting Schedule

The Committee moved to receive the revised report from the Planning and Development Committee Secretary dated 1995 November 9.

The Committee also directed, that should there not be enough items to constitute a full agenda, the Committee members be so advised and the meeting be cancelled.

9. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the meeting held 1995 November 8 were adopted as circulated.

As recommended in various reports in the consent agenda, the Committee recommended to Council as follows:

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Barton General Business Improvement Area - Expansion of Boundaries dated 1995 November 6:

(a) That the Barton General B.I.A. boundaries be expanded to include 486 Barton Street East; and,

(b) That the City Clerk's Department be authorized and directed to circularize the existing and proposed expansion area with the notice of intent to amend the designating by-law in accordance with Section 220 of the Municipal Act; and,

(c) That the Law Department be authorized and directed to prepare the necessary amending by-law.

C. BUILDING COMMISSIONER

(a) **Residential Rehabilitation Assistance Programme Agency Agreement dated 1995 November 10:**

That the revised Agency Agreement with Canada Mortgage and Housing Corporation (CMHC) for the delivery of the Residential Rehabilitation Assistance Program (R.R.A.P.) in Hamilton, attached hereto as Appendix "F", be approved and the Mayor and City Clerk be directed to execute the agreement on behalf of the Corporation of the City of Hamilton.

(b) **228 Crockett Street - Hamilton Emergency Loan Programme dated 1995 November 08:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and twenty-six dollars ($1,926.) be approved for Helen Connor, 228 Crockett Street, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(c) **74 Burlington Street East - Hamilton Emergency Loan Programme dated 1995 November 08:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand and forty-nine dollars ($1,049.) be approved for Mr. and Mrs. K. Nunes, 74 Burlington Street East, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(d) **Barton Street Revitalization - Christmas Event Budget dated 1995 November 14:**

(a) That the budget as outlined in Appendix "G" be approved for a Christmas Event to be held 1995 December 9; and,

(b) That the City Treasurer be authorized and directed to forward $800. ($1000.- 20% holdback) for the Christmas Event to the Barton Street B.I.A.. The outstanding balance of $200. to be forwarded upon submission of a statement of account.

(e) **Demolitions: (i) 1334 Upper Sherman Avenue**
(ii) 1340 - 1342 Upper Sherman Avenue
(iii) 1348 Upper Sherman Avenue
(iv) 255 Rymal Road West (Building #5)
dated 1995 November 09:

That the Building Commissioner be authorized to issue demolition permits, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended, as follows:

1334 Upper Sherman Avenue
1340 -1342 Upper Sherman Avenue
1348 Upper Sherman Avenue
255 Rymal Road West (Building #5)

D. DIRECTOR OF PLANNING AND DEVELOPMENT

Authorization for Staff Attendance at an O.M.B. Hearing for Property Located at 77 Ward Avenue, Committee of Adjustment Application A-95-206 dated 1995 November 14:

That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing regarding an appeal to the Committee of Adjustment decision to deny Application No. A-95-206, respecting a variance to the "Monster Homes" By-laws, for property located at No. 77 Ward Avenue.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

(a) Information Items

As recommended by the Secretary, Planning and Development Committee, the Committee approved the following:

(a) Building Commissioner - Departmental Quarterly Report as at 1995 September 30 dated 1995 October 23.

(b) Director of Planning and Development - Departmental Quarterly Report as at 1995 September 30, dated 1995 October 27.

(c) Director of Planning and Development - Approved Site Plan, dated 1995 November 13.

(b) Making Cities Livable Conference

As recommended in a report dated 1995 November 17, the Committee approved the following:

That the Planning and Development Committee not send a representative to the Making Cities Livable Conference, 1996 in California.

10. OTHER BUSINESS

The Committee resolved to move in camera to discuss matters of litigation and reconvened immediately thereafter with the following report:

That the Planning and Development Committee supports the negotiated settlement respecting the pending Ontario Municipal Board Hearing on By-law No. 93-143 for 29 Severn Street (ZA-91-59), on the following basis:

(a) That the maximum number of units be increased from 5 to 6; and,

(b) That the minimum front yard depth be 2.5m for the third storey of the building, and 5.0m for any portion of the building over three (3) storeys in height, excluding encroachments (ie dormers).

11. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

Taken as read and approved.

Alderman D. Drury
Chairperson
Planning and Development Committee

Tina Agnello
Secretary

/jt

CMHC 2311 4/85
Protected when completed

APPENDIX "1"

Attached to and forming part of an agreement between Canada Mortgage and Housing Corporation and the Agent dated the 1st of September , 19 93 .

Areas which are more particularly described as:

Attached Schedule D4.

Bill Pr **1995**

An Act respecting the City of Hamilton

Preamble

The Corporation of the City of Hamilton has applied for special legislation in respect of the matters set out in this Act.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. As part of a Community Improvement Plan adopted by by-law by The Corporation of the City of Hamilton pursuant to the provisions of section 28, the Planning Act, the Council of The Corporation of the City of Hamilton may enact by-laws to provide, on such terms and conditions as may be set out in the by-law, loans or grants to tenants, to pay for the whole, or any part, of the cost of rehabilitating the lands and buildings occupied by them in conformity with the Community Improvement Plan.

2. (a) The said by-law of The Corporation of the City of Hamilton may specify the types and form of security the municipality may require from such tenants to secure the performance of the works being funded by the municipality and the repayment of the loan, if any.

(b) Such by-law may require and the municipality is permitted to accept, a mortgage in favour of the municipality on property owned by the tenant or on property owned by the guarantor of the tenant's obligations to the City. Such mortgage security may be on property located within or outside the municipality.

3. By-law(s) enacted by the municipality pursuant to subsections (1) and (2) above are subject to the approval of the Minister of Municipal Affairs and Housing.

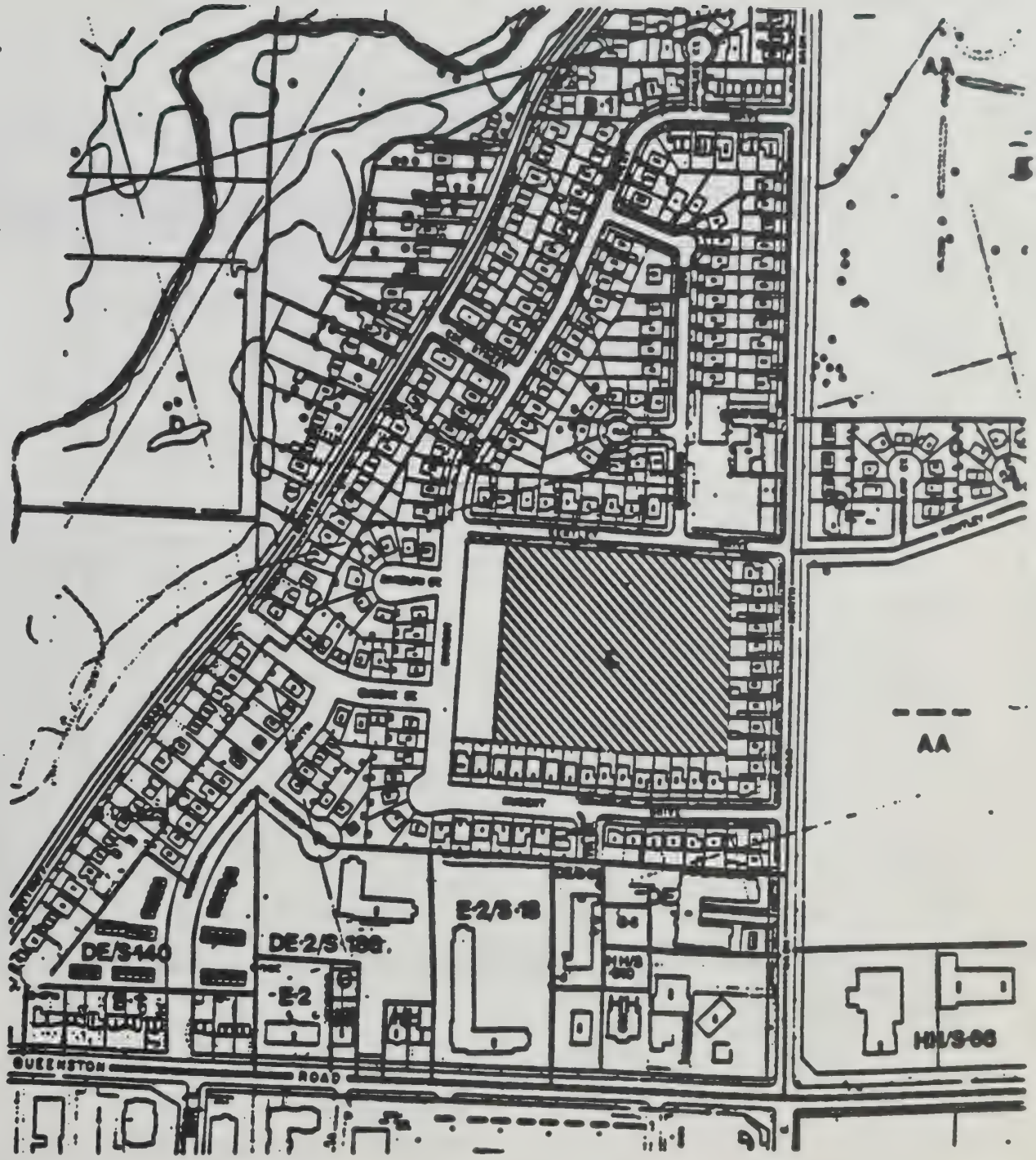
4. The prohibition in subsection 111(1) of the Municipal Act does not apply to any by-law(s) enacted by the municipality pursuant to subsections (1) and (2) above, which have been approved by the Minister of Municipal Affairs and Housing.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

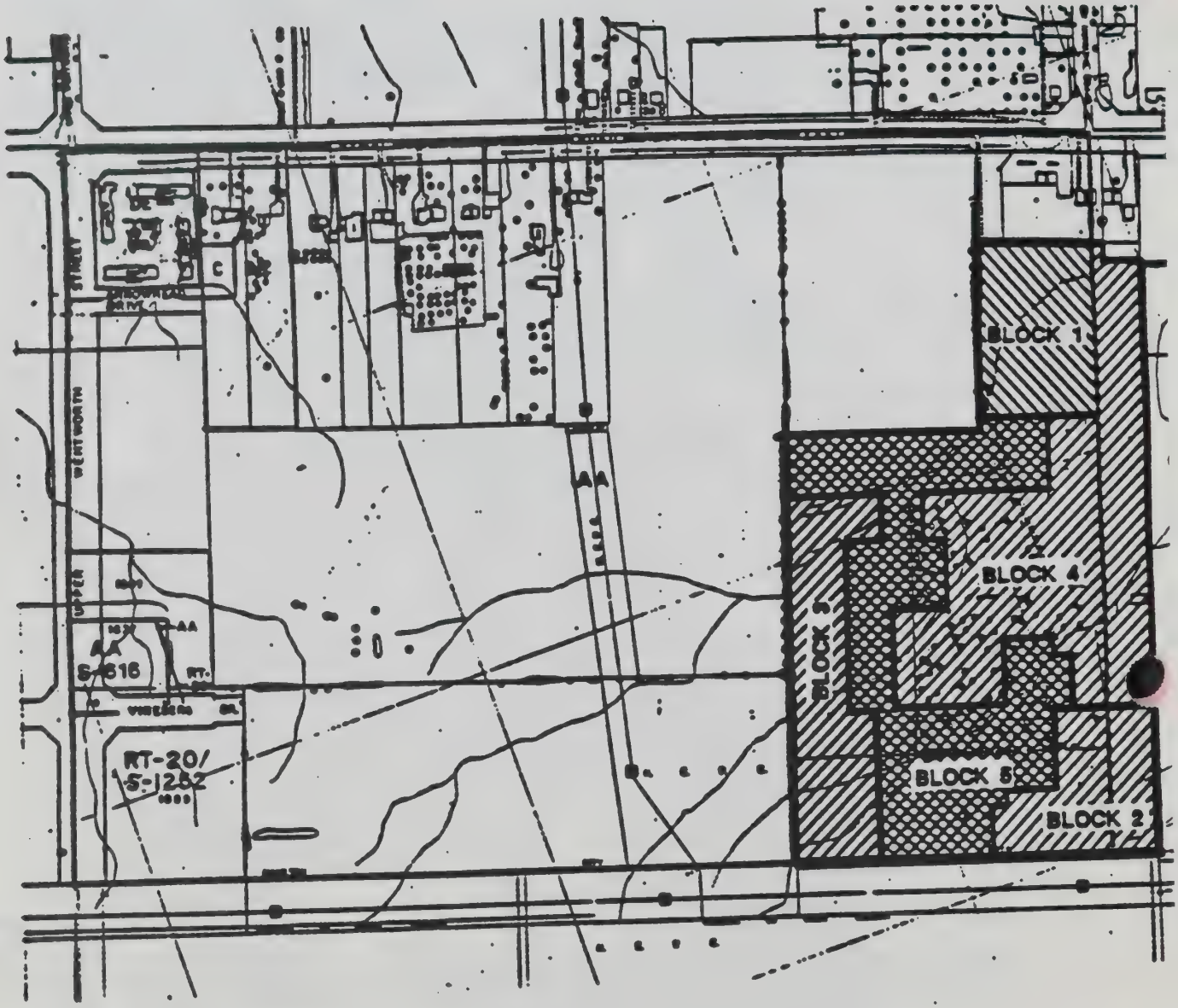
Short Title

6. The short title of this Act is the *City of Hamilton Act, 1995*.



Legend

Site of the Application



Legend

Proposed change in zoning from "AA" (Agricultural) District to :

ZAC-84-

BLOCK 1		"RT-20" (Townhouse - Maisonette) District.
BLOCKS 2,3 and 4		"C" (Urban Protected Residential, etc.) District
BLOCK 5		"R-4" (Small Lot Single-Family Dwellings) District.

November 9, 1995

BARTON GENERAL BIA
Community Christmas Party

Santa Claus/Elves	$100
Tree - 10'	$100
Decorations - lights, star	$150
Refreshments - coffee, hot chocolate, apple cider, donuts, cookies	$150
Advertising - flyer drop	$100
Gift Bags - candy canes	$100
Outdoor Extension Cord(s)	$50
Door Prize(s) - gift certificates; $75/$50/$25	$150
Misc.	$100

Total Expenditure $1000

Ba)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 7 1995

DATE: 1995 November 22

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Closure of Public Works and Traffic Department's,
Parks Division - Community Renewal Capital Projects

RECOMMENDATION:

That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of funding:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source of Funding
428603003	Downtown Action Plan-Phase III	$1,300,000.	$1,299,999.82	$ .18	Debenture

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial implications are contained in the recommendation. There are no staffing implications.

BACKGROUND:

The work related to the above-noted project has been completed, and therefore, the affected accounts can be closed.

c.c. Mr. Allan C. Ross, Treasurer, Attn: B. Hill
Mr. N. R. Adhya, Manager of Accounting
Mr. R. W. Chrystian, Manager of Parks Division
Mr. W. Plessl, Coordinator, Park Development & Maintenance

Bb)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 1 1995

DATE: 1995 November 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic Department

SUBJECT: International Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payments for 1996.

RECOMMENDATION:

1. That the 1995 operating budget for The International Village B.I.A. (attached as Appendix 'A') be approved in the amount of fifty-four thousand dollars ($54,000.); and,

2. That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,

3. That the following schedule of payments for 1996 be approved:

January 01	$27,000.
September 01	$27,000.

NOTE: 1995 levy arrears will be deducted from the payments for 1996.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The fifty-four thousand dollars ($54,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this fifty-four thousand dollar operating budget.

BACKGROUND:

At its Annual General Meeting held 1995 November 08, the International Village B.I.A. adopted a 1996 operating budget of fifty-four thousand dollars ($54,000.).

HM:hm

c.c. Mrs. Mary Pocius, Executive Director
International Village B.I.A.

Mr. A. Ross, City Treasurer
Treasury Department
Attn: Mr. T. Bradbury, Asst. Supervisor Business Tax

Bc)

CITY OF HAMILTON NOV 2 7 1995

- RECOMMENDATION -

DATE: 1995 November 23

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo
Commissioner of Public Works and Traffic

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payments for 1996.

RECOMMENDATION:

1) That the 1996 operating budget of the Ottawa Street B.I.A. (attached as Appendix 'A') be approved in the amount of fifty-nine thousand, seven hundred and eighty dollars($59,780.00); and,

2) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (a) above; and,

3) That the following Schedule of Payments for 1996 be approved.

January 01	$14,945.00
March 01	$14,945.00
June 01	$14,945.00
September 01	$14,945.00

D. Lobo

NOTE: 1995 Levy arrears will be deducted from the payments for 1996

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of fifty-nine thousand, seven hundred and eighty dollars ($59,780.00) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

BACKGROUND:

At its General Meeting held 1995 November 7, the Ottawa Street B.I.A. adopted a budget of fifty-nine thousand, seven hundred and eighty dollars ($59,780.00). Included within this budget is an allowance of unpaid 1995 levies of twenty-one thousand, five hundred dollars ($21,500.00)

JP/jp
c.c. A. Ross, City Treasurer
Att: T. Bradbury, Supervisor of Taxation, Treasury Department
G. Culshaw, Chairman, Ottawa Street BIA

B d)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 1 1995

DATE: 1995 November 17

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic Department

SUBJECT: Downtown Hamilton and International Village Business Improvement Areas (B.I.A.'s) - Request Under the Commercial Improvement Program.

RECOMMENDATION:

1. That the Downtown Hamilton B.I.A's request to utilize $7,142. of the Commercial Improvement Program monies towards the Sesquicentennial Downtown Mural Project be approved and recovered from account number CF 5698 428705006; and,

2. That the International Village B.I.A.'s request to utilize $7,142. of the Commercial Improvement Program monies towards the Sesquicentennial Downtown Mural Project be approved and recovered from account number CF 5698 428705005.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available under the Commercial Improvement Program (C.I.P.). The Downtown Hamilton B.I.A.'s C.I.P account number is CF 5698-428705006 of which $44,000. was budgeted and $11,492. will be remaining upon expenditure of the above. International Village B.I.A.'s C.I.P. account number is CF 5698-428705005 of which $44,000. was budgeted and $35,085. will be remaining upon expenditure of the above.

The lifespan of the murals is estimated at 15-20 years. The type of paint that will be utilized for the murals will address the fading issue. Should maintenance be required monies are available through the Culture and Recreation Department's Public Art Program.

BACKGROUND:

The Commercial Improvement Program was established to fund physical improvements on publicly owned lands within Hamilton's Business Improvement Areas (B.I.A.'s). Murals on buildings within B.I.A.'s were also identified as an eligible expense as well as comprehensive studies undertaken within B.I.A.'s. Since 1987 B.I.A.'s have applied to the Public Works and Traffic Department for funding requests of various improvements. These have included items such as: benches, alleyway lighting, banners, garbage containers etc. At its meeting held 1993 August 31 City Council approved the amount of $5,000. for a mural to be placed within the Downtown Hamilton B.I.A. Due to various factors work on the mural did not commence therefore this money will also be directed towards the Sesquicentennial Downtown Mural Project.

There is an opportunity for other sources of funding through funds remaining in the Culture and Recreation Department's Public Art Program as well as sponsorship from the private sector.

There are three primary objectives of the Sesquicentennial Downtown Mural Project: i) to counteract trends of deterioration now occurring in the downtown area; ii) to celebrate through the medium of painting, memorable people, places and events in Hamilton's past 150 years; iii) to upgrade walls which are highly visible parts of the public environment.

Mural programs have been established in many urban centres across Canada; in some it has become a focus of tourist promotion activities. Currently there is a growing trend in Ontario to utilize the visual arts for large-scale outdoor public works of this type.

With a life expectancy of fifteen to twenty years, the murals are a reasonable investment in the redevelopment of the urban core. The vitality inherent in the use of colour, form and design would bring a complementary level of refurbishment to the streets surrounding Gore Park.

HM:hm

c.c. Mary Pocius, Executive Director
International Village B.I.A.

Graeme McTaggart, Executive Director
Downtown Hamilton B.I.A.

Mr. R. Fair, Director
Culture and Recreation Department
Attn: Ms. C. York, Arts Co-ordinator

Be)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 27

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Commissioner of Public Works and Traffic

SUBJECT: Commercial Improvement Programme (C.I.P.)
Ottawa Street Business Improvement Area (B.I.A.) 1995 request.

RECOMMENDATION:

That the Ottawa Street B.I.A.'s request for the purchase and installation of poles and banners under the Commercial Improvement Program be approved at an estimated cost of $44,000.00. to be recovered from account number CF 5698 428705004.

D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available under the Commercial Improvement Program (C.I.P.). The Ottawa Street B.I.A.'s C.I.P. account number is CF 5698 428705004 of which $44,000. was budgeted and $0 will be remaining upon expenditure of the above.

The City of Hamilton has a maintenance contract until 1997 with Classic Displays for the maintenance of one set of banners for each of the seven B.I.A.'s in Hamilton. Maintenance includes the cleaning, storing and repairing of same. The cost of purchase/installation is derived from the Commercial Improvement Program Account. In 1997, banner maintenance will become the responsibility of the B.I.A.'s. The subject B.I.A. has been made aware of this fact in order to plan for this cost within their proposed 1997 budget.

The Ottawa Street B.I.A., however are requesting seasonal banners versus one standard set. The B.I.A. has included within their 1996 budget the cost of maintenance for the extra three sets.

BACKGROUND:

The Commercial Improvement Program was established to fund streetscape improvements on publicly owned lands within Hamilton's Business Improvement Areas (B.I.A.). Since 1987 B.I.A.'s have applied annually to the Community Renewal Section of the Public Works Department for funding requests of various streetscape improvements. These improvements have included items such as benches, banners, planters, alleyway lighting, garbage containers and paving of alleyways.

The poles will match the existing spun concrete poles on the street. We have not had any maintenance problems with the existing poles.

JP/jp

c.c. Mr. A. Ross, City Treasurer,
Attention: Brian Hill
G. Culshaw, Chairman of Ottawa Street B.I.A.

APPENDIX 'A'

Hamilton's
INTERNATIONAL Village

King Street East
between Wellington
and Mary

APPROVED
~~PROPOSED~~ BUDGET
1 9 9 6

	1995 Actual	1996 Proposed
OPERATIONS:		
Rent	$2,500.	$3,500.
Utilities	1,900.	1,900.
Telephone	1,300.	1,000.
Supplies	1,714.	1,200.
Bank Charges	350	400.
	$7,764.	$7,500.
WAGES:		
Executive Director	*$13,834.	$20,000.
Wage Costs	1,418.	2,300.
	$15,252	$22,300.
Insurance	$1,262.	$1,300.
Audit	300.	400.
Advertising/Promo		
Print	$1,915.	$2,500.
Radio	00.	1,500.
Promo**	3,994.	4,500.
	$7,471	$10,200.
Allowance Uncollected Levies	$16,044.	***$14,000.
	$53,160.	$54,000.

* Exec. Director wages reduced from August to December by 50% to reflect loss of Federal Job Grant.

** Promotion includes banner installation, removal, maintenance, as well as Christmas pole decorations, installation, removal and maintenance.

*** Reported from Treasury, Sept. 9/95 that the uncollected levies for 1995 assessment is $12,835.90.

BF)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 30

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works & Traffic Department

SUBJECT: Downtown Hamilton Business Improvement Area's (B.I.A.'s) Proposed Budget and Schedule of Payments for 1996.

RECOMMENDATION:

1. That the operating budget of the Downtown Hamilton B.I.A. (attached as Appendix 'A') be approved in the amount of eighty-four thousand dollars ($84,000.); and,

2. That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,

3. That the following Schedule of Payments for 1996 be approved:

January 01	$21,000.
March 01	$21,000.
June 01	$21,000.
September 01	$21,000.

Note: 1995 levy arrears will be deducted from the payments for 1996.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of eighty-four thousand dollars ($84,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this eighty-four thousand dollar ($84,000.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1995 November 27, the Downtown Hamilton B.I.A. adopted a budget of eighty-four thousand dollars ($84,000.).

HM:hm

c.c. Mr. G. McTaggart, Executive Director
Downtown Hamilton B.I.A.

Mr. A. Ross, City Treasurer
Treasury Department
Attn: Mr. T. Bradbury, Asst. Supervisor Business Tax

APPENDIX 'A'

DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA (B.I.A.)

APPROVED 1996 BUDGET

General Administration	$35,000.
Committee Fund	$25,000.
Special Projects	$10,000.
Reserve	$14,000.
TOTAL	$84,000.

Bg)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 30

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

SUBJECT: Barton General Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1996.

RECOMMENDATION:

1. That the 1996 operating budget of the Barton General B.I.A. (attached as Appendix 'A') be approved in the amount of six thousand dollars ($6,000.); and,

2. That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,

3. That the following Schedule of Payments for 1996 be approved:

January 01	$1,500.
March 01	$1,500.
June 01	$1,500.
September 01	$1,500.

NOTE: 1995 Levy Arrears will be deducted from the payments for 1996.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of six thousand dollars ($6,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this six thousand dollar ($6,000.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1995 November 29, the Barton General B.I.A. adopted a budget of six thousand dollars ($6,000.) for 1996.

HM:hm

Attach.

c.c. Mr. K. Cody, Chairman
Barton General B.I.A.

Mr. A. Ross, City Treasurer
Treasury Department
Attn: Mr. T. Bradbury, Asst. Supervisor Business Tax

APPENDIX 'A'

BARTON GENERAL BUSINESS IMPROVEMENT AREA
APPROVED 1996 BUDGET

Street Festival	$2,300.
Advertising	$1,000.
Special Events	$1,000.
Meeting Expenses	$ 500.
Insurance	$ 700.
Contingency Fund	$ 500.
TOTAL	$6,000.

B4)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1995 November 30

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo
Commissioner of Public Works and Traffic

SUBJECT: Main Street West Esplanade Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1996

RECOMMENDATION:

1) That the 1996 operating budget of the Main Street West Esplanade B.I.A.(attached as Appendix 'A') be approved in the amount of three thousand dollars ($3,000.); and,

2) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Secton 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,

3) That the following Schedule of Payments for 1996 be approved.

January 01	$750.
March 01	$750.
June 01	$750.
September 01	$750.

NOTE: 1995 levy arrears will be deducted from the payments for 1996

D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of three thousand dollars ($3,000) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

BACKGROUND:

At its General Meeting held 1995 November 28, the Main Street West Esplanade B.I.A. adopted a budget of three thousand dollars ($3,000.).

JP/jp
cc A. Ross, City Treasurer
Att: T. Bradbury, Supervisor of Taxation, Treasury Department
M. Farrugia, Chairman, Main Street B.I.A.

APPENDIX 'A'

MAIN WEST ESPLANADE B.I.A.
APPROVED 1996 BUDGET

Christmas Decorations	$1,800.
Insurance	$ 500.
Auditor	$ 400.
Meeting Cost	$ 300.
	$3,000.

Ca)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 27 1995

DATE: 1995 November 27

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Rehabilitation Assistance Program
1996 - 2005 Provisional Capital Budget (95.2.4.2.1.A.,95.5.10)

RECOMMENDATION:

1. That the attached capital project from the Building Department be considered for inclusion in the ten year 1996 - 2005 Provisional Capital Budget, and;

2. That this capital project be reviewed by the Management Team (Capital Budget Sub-Committee) for consideration of the Committee of the Whole and City Council.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

To be reviewed by the Management Team.

BACKGROUND:

See attached information on Hamilton Rehabilitation Assistance Program and retaining walls.

LCK/MM/dc
Attach.

The Corporation of the City of Hamilton

PROJECT NUMBER 5.0
(Treasury to complete)

1996-2005 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Building Department

2. PROJECT NAME: Hamilton Rehabilitation Assistance Program

3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
An existing loan program to assist homeowners to replace or repair major structural and building systems items. This program requires funding to provide for the replacement of deteriorating retaining walls in the City. The maximum loan is set at $20,000 at 3% annual interest amortized over 15 years. Program was approved by Planning and Development Committee and City Council June, 1994. In addition to retaining walls which issue has been addressed by both Planning and Development Committee and Council the program provides emergency assistance of up to $2,000 to homeowners in severe hardship who need urgent major home repairs.

4. DEPARTMENT PRIORITY ORDER: _____

5. PROJECT JUSTIFICATION:

(a)	STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation)	X
(b)	HEALTH/SAFETY/ENVIRONMENT	X
(c)	LEGISLATED BY SENIOR LEVELS OF GOVERNMENT	
(d)	NEEDS ANALYSIS (Demand, Equitable, Cost/Benefit, Pay back period)	X
(e)	ECONOMIC DEVELOPMENT	
(f)	MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure)	X
(g)	REDUCE ONGOING COST (Staffing and/or Operating Costs)	
(h)	GROWTH RELATED PROJECT	

Describe project justification from the above perspective:
See item 3

6. FEASIBILITY STUDY:

(a)	START DATE (MONTH-YEAR):	N/A
(b)	COMPLETION DATE (MONTH-YEAR)	
(c)	GROSS COST (Rounded to Nearest Thousand Dollars)	$

7. (a) PROJECT STARTING DATE (MONTH-YEAR): 2002
(b) PROJECT FINISHING DATE (MONTH-YEAR): 2002

8. (a) GROSS COST OF PROJECT In Year-of-Start Dollars: $ 500,000
(Rounded to Nearest Thousand Dollars)

(b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy NONE
and describe) _____
_____
_____
_____ $ _____

(c) LESS OTHER RECEIPTS (Specify): Homeowners Loan Repayment
_____
_____ $ 500,000

(d) NET CITY'S COST: $ 0

9. YEAR OF EXPENDITURE (Rounded to nearest thousands of dollars):

- 1996	$ _____	- 2001	$ _____
- 1997	$ _____	- 2002	$ 500,000
- 1998	$ _____	- 2003	$ _____
- 1999	$ _____	- 2004	$ _____
- 2000	$ _____	- 2005	$ _____

10. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) NIL
(b) COSTS (Specify items)
_____ $ _____
_____ $ _____
_____ $ _____

GROSS COST (All Inclusive) $ _____

(c) LESS RECOVERY/REVENUE (specify) $ _____

(d) NET CITY'S COST $ NIL

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) _____

(f) GROSS COST (All Inclusive) $ _____

_____ $ _____
_____ $ _____
_____ $ _____

(g) LESS RECOVERY/REVENUE (specify) $ _____

(h) NET CITY'S COST $ NIL

NOTE: *Provide details of project costs under Section 8 and annual operating under Section 10 above. Also include programming costs, utilities, building and ground maintenance expenses, and all administrative costs under Section 10.*

11. CAPITAL AND OPERATING ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No X Yes __ _____

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions Building Department estimate

12. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Inadequate funding will compromise life safety, quality of life, property values and increased municipal costs in property standards enforcement. Project was included in Capital budget for 2002 at $1.5 million. Proposed currently at $500,000.

13. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No __ Yes X ; if yes,

(a) PROJECT NO. (1995-2004 Capital Budget) 8.0

(b) AT CITY'S COST OF $nil

(c) SCHEDULED TO START IN THE YEAR 2002

_____ _____

Signature of Department Head/ Local Board Manager *Date*

14. *FUNDING (Treasury Department To Complete):*

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes ___ *No* ___

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: $ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: $ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

CITY OF HAMILTON

C6i)

- RECOMMENDATION -

NOV 2 7 1995

DATE: 1995 November 27

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
44 Tisdale Avenue North - Tag Number 95596
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 44 Tisdale Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D (Map E-13)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: To demolish a one storey, solid masonry single family dwelling. On November 23, 1995, an Order to Comply was issued to have the dwelling demolished. The demolition permit was issued on November 23, 1995. No LACAC interest. Lot size 40' x 126.0'.

The owner of the property as per the demolition permit is:

Serafim Luis Pereira
195 Wentworth Street North
Hamilton, Ontario L8L 5V6

NDND/zr

Cbii)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 7 1995

DATE: 1995 November 27

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
263 West 18th Street - Tag Number 95582
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 263 West 18th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map W-17)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: To demolish an existing one storey, frame construction single family dwelling. The proposed use for this property is to be left vacant. No LACAC interest. Lot size 50' x 100.0'.

The owner of the property as per the demolition permit is:

Angelo Cagnin
740 Greenhill Avenue
Hamilton, Ontario L8K 5G3

ND/zr

Cbiii)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 7 1995

DATE: 1995 November 27

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
30 Norfolk Street North - Tag Number 95586
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 30 Norfolk Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING:	C/S-1335 and S-1335a (Map W-45)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Two Family Dwelling (Bill 120 Regulations)
BRIEF DESCRIPTION:	To demolish an existing one and a half storey single family dwelling with brick veneer. Owner proposes to build a two family dwelling under the regulations of Bill 120. No LACAC interest. Lot size 45' x 100'.

The owner of the property as per the demolition permit is:

Mark Cole
127 Jackson Street West
Hamilton, Ontario L8P 1L6

ND/zr

Cb(iv)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 7 1995

DATE: 1995 November 27

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
23 LELAND STREET - Tag Number 95623
(95.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 23 Leland Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map W-41)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Two Family Dwelling (Bill 120 Regulations)

BRIEF DESCRIPTION: To demolish a two storey, brick veneer single family dwelling. Owner wishes to build a two family dwelling. No LACAC interest. Lot size 60' x 120.0'.

The owner of the property as per the demolition permit is:

Mark Cole
127 Jackson Street West
Hamilton, Ontario L8P 1L6

ND/zr

BACKGROUND:

At its meeting of October 11, 1995, the Committee of Adjustment accepted Planning staff's recommendation and denied Application A-95-221, in part. Variance No. 2., to permit a garage addition to the dwelling at No. 6 Sandlyn Court, with a front yard setback of 4.267 m (14 ft.), whereas the By-law requires a minimum of 6.0 m (19.69 ft.), was denied. Variance No. 1, to allow an east side yard of 0.609 m (2 ft.) for the garage, whereas the By-law requires a minimum of 1.2 m (3.94 ft.), was approved. The Committee of Adjustment decision to deny variance No. 2. has recently been appealed to the Ontario Municipal Board. A date for the Board hearing has not yet been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

CL-M

E.

CITY OF HAMILTON

-RECOMMENDATION-

DATE:

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary,
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Director of Planning and Development - Approved Site Plan Control Applications, dated 1995 November 27

(b) Director of Planning and Development - Bill 20 - Proposed Revision to the Planning Act, dated 1995 November 28

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure followed for these matters is recorded.

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NOTICE OF SPECIAL MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL
DEC 13 1995
GOVERNMENT DOCUMENTS

Tuesday, 1995 December 12th
6:15 o'clock p.m.
Room 233, City Hall

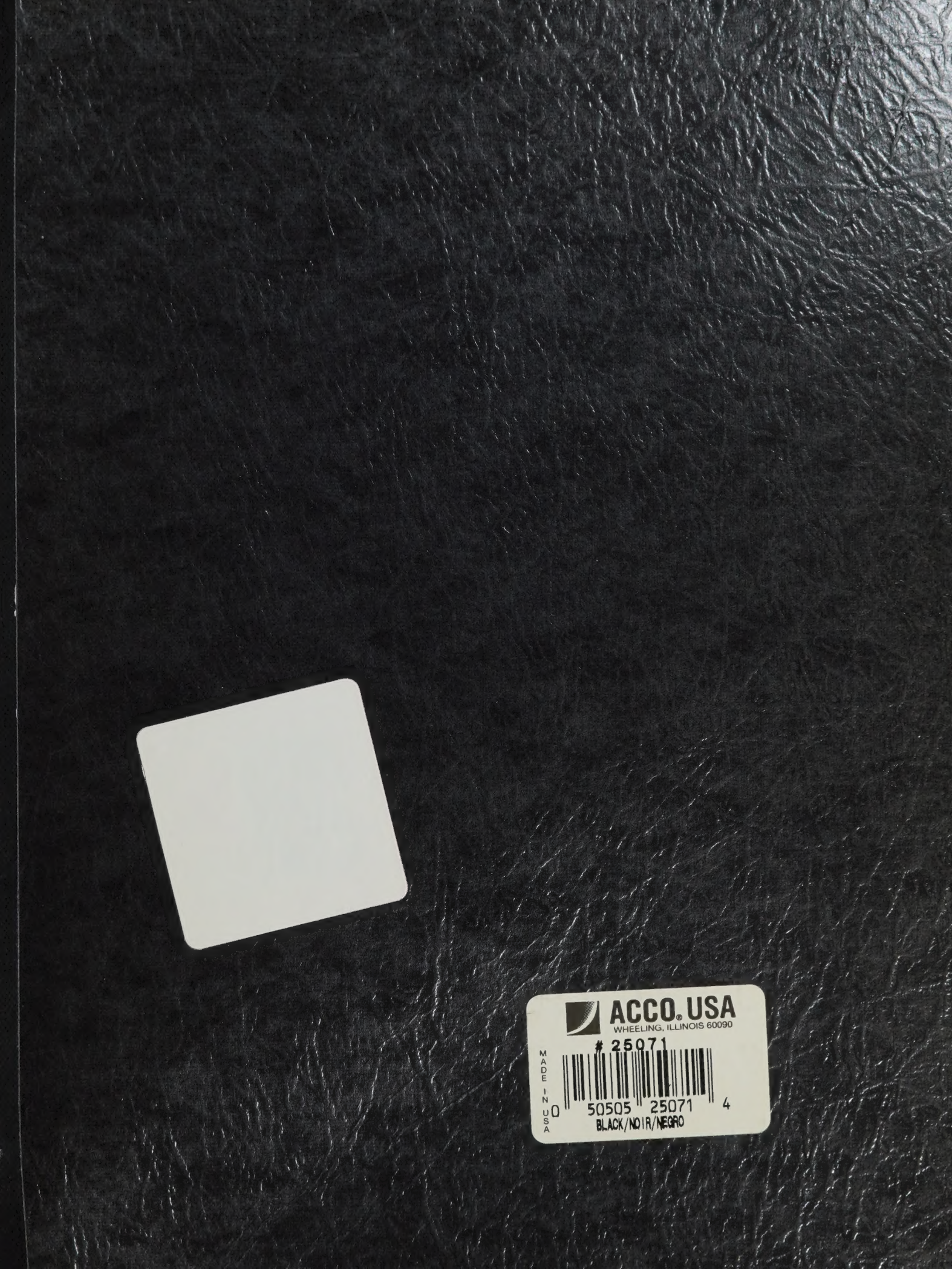
Tina Agnello, Secretary
Planning and Development Committee

AGENDA

1. **DIRECTOR OF PLANNING AND DEVELOPMENT**

   Proposed Draft Plan of Condominium by L.A.J.J. Enterprises Inc., 5-7 Rockwood Place, 9-11 Rockwood Place, 21-25 Mountwood Avenue, 362-366 John Street South -Corktown Nieghbourhood. (copy to be distributed at the meeting)

2. **ADJOURNMENT**


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